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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JANUARY 11, 1995

5:30 P.M., CITY HALL, ROOM 282

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Agenda

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letters from Robert Passmore, Zoning Administrator for Department of City Planning and Paul Kernich, appellant, requesting rehearing of Appeal No. V94-180, 4621 - 18th Street. Hearing December 14, 1994. Upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and DENY the variance to allow a second unit in the rear building without creating an off-street parking space on CONDITION that enforcement of departmental requirements for interior modification be stayed during the tenancy of the appellant's parents, except that one of the two stoves shall be removed to reduce the number of kitchens in the house to one, and the appellant shall record a Notice of Special Restrictions on the land records which includes this decision and these conditions. The rear cottage shall remain as a one-family house. The lot split authorized by the Board's decision in Appeal V92-260 (92.189V) on August 4, 1993 remains in effect, including the conditions of said decision.

ITEM B: Letter from Albert Bianchi, attorney for Bay Cities Refuse Service, requesting rehearing of Appeal No. 94-158, permit to collect refuse from the U.S. Navy at Yerba Buena and Treasure Islands. Hearing November 9, 1994. Upon motion by Commissioner Murphy, the Board voted 5-0 to UPHOLD the department and to GRANT the permit with findings prepared by John Cooper, Deputy City Attorney, adopted on December 14, 1994.

ITEM C: Letter from Jay Wallace, attorney for John Jenkel, requesting rehearing of Appeal No. 94-125, protest of permit to operate up to five horse drawn carriages. Hearing December 14, 1994. Upon motion by President Bradstreet, the Board voted 3-2 (Commissioners Chan and Felzer dissented) to UPHOLD the department and GRANT the permit.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Brian Kavanagh, agent for Carol Marshall, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9411647, to legalize a third unit installed without a building permit at 1839-41 19th Avenue.

Date of denial	November 30, 1994
Appeal period ended	December 15, 1994
Request for jurisdiction	December 22, 1994

APPEAL NO. 94-187

(3) TRISH T. PHAM, dba "CLEMENT TEA HOUSE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on November 14, 1994,
[of Mechanical Amusement Device
[permit at 442 Clement Street
[because of proximity to school.
[FOR HEARING TODAY.

APPEAL NO. 94-191

(4) FRED DE MANUEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 14, 1994, for work
[done at 299 Peru Avenue.
[APPLICATION NO. 9319505.
[FOR HEARING TODAY.

APPEAL NO. 94-199

(5) KITCHENWORKS, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 13, 1994, for work
[done at 239 Chenery Street.
[APPLICATION NO. 9420199.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 93-160

(6A)
DENNIS PARLANTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 3, 1993, to Jessie
[and Evangelina Galzote,
[permit to Alter a Building
[(legalize rear deck) at
[31 Ervine Street.
[APPLICATION NO. 9210514.
[FOR FURTHER HEARING TODAY.
[APPEAL HEARD DECEMBER 1, 1993
[AND CONTINUED TO ALLOW BBI AND
[PLANNING INVESTIGATIONS AND
[REPORTS ON ALLEGED ILLEGAL UNIT
[AND DECKS.

APPEAL NO. 94-181

(6B)
TEODORO AGCAOILI & DENNIS PARLANTE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 25, 1994, to Jessie
[and Evangelina Galzote, permit
[to Alter a Building (legalize
[stairs installed from family
[room to storage room and
[legalize rear deck) at
[31 Ervine Street.
[APPLICATION NO. 9322433.
[FOR HEARING TODAY.

APPEAL NO. V94-195

(7)
JENSEN J. CHUN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 29, 1994,
[of Rear Yard Variance (to
[allow retention of two decks
[at the rear of the existing
[two story, single family
[dwelling) at 28 Winfield Street.
[VARIANCE CASE NO. 94.466V.
[FOR HEARING TODAY.

APPEAL NO. V94-196

(8)
MATTHEW & HAZEL WILSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Rear
[Yard Variance granted on January
[12, 1994 (decks with minor
[modifications can be retained,
[but rear stairs and landing
[to the third level must be
[removed) for property at
[930 - 932 Minnesota Street.
[VARIANCE CASE NO. 93.575V.
[FOR HEARING TODAY.

(9) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

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NOTICE OF CHANGE OF LOCATION FOR BOARD MEETINGS: **Effective March 1, 1995** the meetings of the Board shall be held in the **War Memorial Building, 401 Van Ness Avenue (at McAllister Street), 4th Floor Meeting Room.**

There will be no public access to files from **February 6 through February 17, 1995** to allow staff to pack, and then unpack after moving.

Date posted: January 5, 1995

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MEMBERS OF THE BOARD OF PERMIT APPEALS

ANGELA M. BRADSTREET	PRESIDENT
WAYNE H. ALBA	VICE PRESIDENT
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER
MARY G. MURPHY	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
City Hall, Room 154-A
San Francisco, California 94102
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 11, 1995
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Mary Murphy.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Steven Sayad, attorney for Rossi and Bechelli, et al. of the Flower Mart, complained that McDonald's buried toxic soil and committed other crimes, at 820 Howard Street. He asked the Board to revoke the permit for the restaurant. President Bradstreet, with the advice of Ms. Boyajian, informed Mr. Sayad that the Board has no jurisdiction over this permit, but that the Bureau of Building Inspection has, and that he should address his complaint there.

The Board recessed from 5:45 to 5:48 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letters from Robert Passmore, Zoning Administrator for Department of City Planning and Paul Kernich, appellant, requesting rehearing of Appeal No. V94-180, 4621 - 18th Street. Hearing December 14, 1994. Upon motion by Commissioner Murphy, the Board voted 5-0 to **UPHOLD** the department and **DENY** the variance to allow a second unit in the rear building without creating an off-street parking space on **CONDITION** that enforcement of departmental requirements for interior modification be stayed during the tenancy of the appellant's parents, except that one of the two stoves shall be removed to reduce the number of kitchens in the house to one, and the appellant shall record a Notice of Special Restrictions on the land records which includes this decision and these conditions. The rear cottage shall remain as a one-family house. The lot split authorized by the Board's decision in Appeal V92-260 (92.189V) on August 4, 1993 remains in effect, including the conditions of said decision.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to **GRANT** rehearing and scheduled it for **March 8, 1995**.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; George Akwo, Deputy City Attorney; and Paul Kernich, appellant.

ITEM B: Letter from Albert Bianchi, attorney for Bay Cities Refuse Service, requesting rehearing of Appeal No. 94-158, permit to collect refuse from the U.S. Navy at Yerba Buena and Treasure Islands. Hearing November 9, 1994. Upon motion by Commissioner Murphy, the Board voted 5-0 to **UPHOLD** the department and to **GRANT** the permit with findings prepared by John Cooper, Deputy City Attorney, adopted on December 14, 1994.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Gregory Smith, for Bay Cities Refuse; and Barry Adams, attorney for Industrial Carting, permit holder.

ITEM C: Letter from Jay Wallace, attorney for John Jenkel, requesting rehearing of Appeal No. 94-125, protest of permit to operate up to five horse drawn carriages. Hearing December 14, 1994. Upon motion by President Bradstreet, the Board voted 3-2 (Commissioners Chan and Felzer dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 1-3 to grant rehearing. Four votes are necessary and the request is **DENIED**.

SPEAKERS: Jay Wallace, attorney for appellant; Gilles Cohen and Jeff Sears, permit holders; and Elliott Riley, S.F. Port Commission.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Brian Kavanagh, agent for Carol Marshall, requesting that the Board take jurisdiction over denial of Building Permit Application No. 9411647, to legalize a third unit installed without a building permit at 1839-41 19th Avenue.

Date of denial	November 30, 1994
Appeal period ended	December 15, 1994
Request for jurisdiction	December 22, 1994

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to **GRANT** jurisdiction. Ms. Marshall or her agent has fifteen days to file an appeal.

SPEAKERS: Brian Kavanagh, requestor; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 94-187

TRISH T. PHAM, dba "CLEMENT TEA HOUSE", Appellant
(3) vs.
POLICE DEPARTMENT, Respondent

[Denial on November 14, 1994,
[of Mechanical Amusement Device
[permit at 442 Clement Street
[because of proximity to school.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: Sergeant William Coggan, attorney and Officer Jones Wong, for S.F.P.D.; Christine Wengerter, attorney for appellant; and Trish Pham, appellant.

APPEAL NO. 94-191

FRED DE MANUEL, Appellant
(4) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[November 14, 1994, for work
[done at 299 Peru Avenue.
[APPLICATION NO. 9319505.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $1,000.00.

SPEAKERS: Lorna Remolona, appellant-owner; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 94-199

KITCHENWORKS, INC., Appellant
(5) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 13, 1994, for work
[done at 239 Chenery Street.
[APPLICATION NO. 9420199.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of $102.05 for a total of $510.25.

SPEAKERS: W. Patrick McCabe, senior installation supervisor and agent for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:29 to 7:43 p.m.

Items (6A) and (6B) were heard together

APPEAL NO. 93-160

(6A)
DENNIS PARLANTE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[August 3, 1993, to Jessie
[and Evangelina Galzote,
[permit to Alter a Building
[(legalize rear deck) at
[31 Ervine Street.
[APPLICATION NO. 9210514.
[FOR FURTHER HEARING TODAY.
[APPEAL HEARD DECEMBER 1, 1993
[AND CONTINUED TO ALLOW BBI AND
[PLANNING INVESTIGATIONS AND
[REPORTS ON ALLEGED ILLEGAL UNIT
[AND DECKS.

APPEAL NO. 94-181

(6B)
TEODORO AGCAOILI & DENNIS
PARLANTE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[October 25, 1994, to Jessie
[and Evangelina Galzote, permit
[to Alter a Building (legalize
[stairs installed from family
[room to storage room and
[legalize rear deck) at
[31 Ervine Street.
[APPLICATION NO. 9322433.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote
4-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Dennis Parlante, appellant; and Jerry Klein, agent for permit holders.

APPEAL NO. V94-195

(7)
JENSEN J. CHUN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 29, 1994,
[of Rear Yard Variance (to
[allow retention of two decks
[at the rear of the existing
[two story, single family
[dwelling) at 28 Winfield Street.
[VARIANCE CASE NO. 94.466V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the variance with findings by President Bradstreet and Commissioner Chan and the following **CONDITIONS:** (1) the plans shall be revised to shorten the upper deck back to the steel support girder and the width reduced so that no fire walls are necessary under the Building Code; the decks must comply with the requirements of the Building Code; and (2) the illegal basement unit shall be removed and the garage shall be restored to its lawful use as an off-street parking space.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Bo Links, attorney for property owner; Jensen Chun, property owner; and David Hayes, in support of the appeal.

APPEAL NO. V94-196

(8)
MATTHEW & HAZEL WILSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Rear
[Yard Variance granted on January
[12, 1994 (decks with minor
[modifications can be retained,
[but rear stairs and landing
[to the third level must be
[removed) for property at
[930 - 932 Minnesota Street.
[VARIANCE CASE NO. 93.575V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 4-0 to **UPHOLD** the department and the conditions set forth in the variance decision with the additional CONDITION that the lower deck along the south side of the property shall be removed in addition to the other modifications required under the variance decision. The Zoning Administrator's findings are upheld.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Joe Boss, Janet Carpinelli, Dick Millet in support of the department; Alfred Sanchez, agent for appellants; Matthew Wilson, appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

(9) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 11, 1995 (cont'd.)

There being no further business, President Bradstreet adjourned the meeting at 9:27 p.m.

Robert H Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

1/18/95

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JANUARY 18, 1995

5:30 P.M., CITY HALL, ROOM 282

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Agenda

(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. 94-183

(2)
GAETANO BALISTRERI, dba "PORTOFINO CAFE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on October 31, 1994,
[of Mechanical Amusement Device
[permit for 120 days at
[520 Columbus Avenue.
[PUBLIC HEARING HELD AND CLOSED
[ON DECEMBER 14, 1994. CONTINUED
[FOR BRIEFS; DUE JANUARY 11, 1995.
[ORAL ARGUMENT LIMITED TO THREE
[MINUTES EACH SIDE ON DIVERSION
[ISSUE.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. V94-198

(3)
PATRICIA A. McCOLM, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting Side Yard Variance
[(extend existing ground floor
[and its roof deck by 16 feet
[3 inches towards the front of
[the existing three-story, single-
[family dwelling) granted on
[December 6, 1994, to Richard
[Benjamin, for property at
[77 Westwood Drive.
[VARIANCE CASE NO. 94.561V.
[FOR HEARING TODAY.

APPEAL NO. 94-188

(4)
444 MLHIRP PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NW corner of Market
[and Front Streets, on sidewalk
[of 444 Market Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

APPEAL NO. 94-192

(5)
444 MLHIRP PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of Market,
[Battery and Front Streets, on
[sidewalk of 444 Market Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

APPEAL NO. 94-189

(6)
THE LURIE COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of
[California and Montgomery Streets,
[in front of the California Street
[facade of the Kohl Building at
[400 Montgomery Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

APPEAL NO. 94-190

(7) THE SHORENSTEIN COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of
[California and Davis Streets, in
[front of 50 California Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

(8) ANNUAL ELECTION OF OFFICERS.

(9) COMMISSIONERS' COMMENTS AND QUESTIONS.

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Date posted: January 12, 1995

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WAYNE H. ALBA	VICE PRESIDENT
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER
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Board of Permit Appeals
Robert H. Feldman, Executive Director
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MINUTES OF THE
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WEDNESDAY, JANUARY 18, 1995
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PRESENT: President Angela Bradstreet, Vice President Wayne Alba, Commissioners Douglas Chan, Ike Felzer and Mary Murphy.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 94-183

(2) GAETANO BALISTRERI, dba "PORTOFINO CAFE", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on October 31, 1994,
[of Mechanical Amusement Device
[permit for 120 days at
[520 Columbus Avenue.
[PUBLIC HEARING HELD AND CLOSED
[ON DECEMBER 14, 1994. CONTINUED
[FOR BRIEFS; DUE JANUARY 11, 1995.
[ORAL ARGUMENT LIMITED TO THREE
[MINUTES EACH SIDE ON DIVERSION
[ISSUE.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department and to reinstate the permit without suspension.

SPEAKERS: Nathan Cohn, attorney for appellant; Sergeant William Coggan, attorney for S.F.P.D.; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. V94-198

(3)
PATRICIA A. McCOLM, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting Side Yard Variance
[(extend existing ground floor
[and its roof deck by 16 feet
[3 inches towards the front of
[the existing three-story, single-
[family dwelling) granted on
[December 6, 1994, to Richard
[Benjamin, for property at
[77 Westwood Drive.
[VARIANCE CASE NO. 94.561V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's findings and **GRANT** the variance with no conditions.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Richard Benjamin, variance holder; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; Anita Theoharis, Joe O'Donoghue, in favor of the project; and Patricia McColm, appellant.

APPEAL NO. 94-188

(4)
444 MLHIRP PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NW corner of Market
[and Front Streets, on sidewalk
[of 444 Market Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit for the approved site.

SPEAKERS: Jacob Szeto and Vitaly Troyan, Department of Public Works; Mark Hennigh, attorney for appellant; Francois Nion, permit holder; and Harry O'Brien, attorney for permit holder.

The Board recessed from 7:45 to 8:02 p.m.

APPEAL NO. 94-192

(5)
444 MLHIRP PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of Market,
[Battery and Front Streets, on
[sidewalk of 444 Market Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit for the approved site.

SPEAKERS: Mark Hennigh, attorney for appellant; Gerald Mullarkey, property manager for appellant; Harry O'Brien, attorney for permit holder; and Vitaly Troyan, Department of Public Works.

APPEAL NO. 94-189

(6)
THE LURIE COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of
[California and Montgomery Streets,
[in front of the California Street
[facade of the Kohl Building at
[400 Montgomery Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Murphy, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the kiosk shall be relocated to the site of the existing corner news stand to the extent permitted by the DPW guidelines.

SPEAKERS: Mark Hennigh, attorney for appellant; Vitaly Troyan, Department of Public Works; and Harry O'Brien, attorney for permit holder.

The Board recessed from 8:53 to 8:58 p.m.

APPEAL NO. 94-190

(7)
THE SHORENSTEIN COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of
[California and Davis Streets,
[front of 50 California Street.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **January 25, 1995** at request of appellant with agreement of permit holder.

(8) **ANNUAL ELECTION OF OFFICERS.**

ACTION: Upon motion by Commissioner Felzer, the Board voted 2-3 (President Bradstreet, Commissioners Chan and Murphy dissented) to elect Wayne Alba president and Ike Felzer vice president. The motion failed. Then upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Felzer dissented) to elect Wayne Alba president and Mary Murphy vice president, to serve one year until the next election.

(9) **COMMISSIONERS' COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Carolyn Diamond, Market Street Association, in opposition to the 35 kiosks and 20 toilets planned for Market Street. President Bradstreet suggested that Ms. Diamond submit a letter with her concerns to the Board.

There being no further business, President Alba adjourned the meeting at 9:20 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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#2
1/25/95

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 25, 1995
5:30 P.M., CITY HALL, ROOM 282

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1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. 95-002

2) JOSE R. UMANZOR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 29, 1994, for work
[done at 174 Farallones Street.
[APPLICATION NO. 9417892.
[FOR HEARING TODAY.

APPEAL NO. 94-203

3) J.C. DECAUX UNITED STREET
FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 21, 1994,
[of a Public Service Kiosk at
[the NW corner of First and
[Mission Streets.
[FOR HEARING TODAY.

APPEAL NO. 94-190

4) THE SHORENSTEIN COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of
[California and Davis Streets,
[in front of 50 California St.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

APPEAL NO. 94-205

5) FRANK M. STUDER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 19, 1994, to The
[Olympic Club, permit to Alter
[a Building (seismic upgrade
[and interior renovation)
[at 599 Skyline Blvd.
[FOR HEARING TODAY.

APPEAL NO. 94-206

6) ASTA ZAK & MARY NAIL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 20, 1994, to Roland
[and Julie Addad, permit to
[Alter a Building (third story
[addition with two bedrooms and
[bath, new stairway to garage
[level and kitchen remodel) at
[1786 - 10th Avenue.
[APPLICATION NO. 9400516S.
[FOR HEARING TODAY.

APPEAL NO. V94-201

(7)
DONALD & NAI-LEE HARMS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front
[Setback Variance (the proposed
[front setback extend no further
[forward than one foot behind
[the front property line) granted
[on December 15, 1994, for property
[at 122 Melrose Avenue.
[VARIANCE CASE NO. 94.453V.
[FOR HEARING TODAY.

APPEAL NO. 95-001

(8)
CECILE GADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated December 30,
[1994 that conditional use authori-
[zation is necessary before the
[Planning Department may approve
[a retail bakery in the building
[at 613 York Street, a nonconforming
[use, under Sections 710.44 and
[790.91 of the Planning Code.
[(Health Permit Application
[Referral)
[FOR HEARING TODAY.

(9) COMMISSIONERS' COMMENTS AND QUESTIONS.

(10) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

NOTICE OF CHANGE OF LOCATION OF BOARD OFFICE: Effective February 13, 1995 the Board office will be in Room 440, 875 Stevenson Street (at 10th Street).

NOTICE OF CHANGE OF LOCATION FOR BOARD MEETINGS: Effective February 22, 1995 the meetings of the Board shall be held in the War Memorial Building, 401 Van Ness Avenue (at McAllister Street), 4th Floor Meeting Room.

Date posted: January 19, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall and in the parking lot at Polk and McAllister Streets.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

Smoking is prohibited in the Commission meeting room, City Hall hallways and restrooms.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
City Hall, Room 154-A
San Francisco, California 94102
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 25, 1995
5:30 P.M., CITY HALL, ROOM 282

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PRESENT: President Wayne Alba, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Mary Murphy.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: David Reese stated that the he was concerned about the City contract and the cost of the new J.C. Decaux toilets planned for various downtown locations.

President Alba read and presented a Resolution of Appreciation and a plaque to Commissioner Angela Bradstreet for her year and a half as president of this Board.

Commissioner Bradstreet thanked the Board, the staff, and the departmental representatives for their support during her presidency.

APPEAL NO. 95-002

(2)
JOSE R. UMANZOR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[December 29, 1994, for work
[done at 174 Farallones Street.
[APPLICATION NO. 9417892.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $1,500.00.

SPEAKERS: Roberto Umanzor, for appellant; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

MINUTES OF THE BOARD OF PERMIT APPEALS, JANUARY 25, 1995 (cont'd.)

APPEAL NO. 94-203

(3)
J.C. DECAUX UNITED STREET
FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 21, 1994,
[of a Public Service Kiosk at
[the NW corner of First and
[Mission Streets.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 4- to **OVERRULE** the department and **GRANT** the permit with findings as state on the record by Commissioner Chan and on **CONDITION** that the kiosk shal be illuminated during periods of darkness with additional lighting t reduce problems of security for the Merrill's store beside it.

SPEAKERS: Vanessa Conrad, hearing officer for Department of Public Works; Francoi Nion, appellant; David Reese, in support of the department; and Harr O'Brien, attorney for appellant.

APPEAL NO. 94-190

(4)
THE SHORENSTEIN COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NE corner of
[California and Davis Streets,
[in front of 50 California St.
[PERMIT NO. 94PSK-002.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit with findings as state on the record by Commissioner Bradstreet with the **CONDITION** that th kiosk shall be installed on the sidewalk to east at the eastern edg of the 50 California property.

SPEAKERS: Donald Putterman, attorney and Bill Shaw, for appellant; Harry O'Brien attorney for permit holder; Robert Passmore, Zoning Administrator fo Department of City Planning; and Jacob Szeto, for Department of Publi Works.

The Board recessed from 7:42 to 7:55 p.m.

APPEAL NO. 94-205

(5)
FRANK M. STUDER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 19, 1994, to The
[Olympic Club, permit to Alter
[a Building (seismic upgrade
[and interior renovation)
[at 599 Skyline Blvd.
[APPLICATION NO. 9417059.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter from J. Scott Weaver, attorney for appellant.

APPEAL NO. 94-206

(6)
ASTA ZAK & MARY NAIL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 20, 1994, to Roland
[and Julie Addad, permit to
[Alter a Building (third story
[addition with two bedrooms and
[bath, new stairway to garage
[level and kitchen remodel) at
[1786 - 10th Avenue.
[APPLICATION NO. 9400516S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Mary Nail, appellant; Audrey Silverman, for Asta Zak, apppellant; Alice Pine, Sidney Pine, Vera Marincik, Josephine Lopez, Martin Lalor, in opposition to the project; Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; Jim Hill, architect for permit holder; and Roland Addad, permit holder.

APPEAL NO. V94-201

(7)
DONALD & NAI-LEE HARMS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front
[Setback Variance (the proposed
[front setback extend no further
[forward than one foot behind
[the front property line) granted
[on December 15, 1994, for property
[at 122 Melrose Avenue.
[VARIANCE CASE NO. 94.453V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and to grant the variance WITHOUT THE CONDITION imposed by the Zoning Administrator requiring a one foot setback for the proposed front room addition.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Donald Harms, appellant.

APPEAL NO. 95-001

(8) CECILE GADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated December 30,
[1994 that conditional use authori-
[zation is necessary before the
[Planning Department may approve
[a retail bakery in the building
[at 613 York Street, a nonconforming
[use, under Sections 710.44 and
[790.91 of the Planning Code.
[(Health Permit Application
[Referral)
[FOR HEARING TODAY.

ACTION: After hearing and discussion **WITHDRAWN** by appellant. After further discussion, upon motion by Commissioner Chan, the Board voted 3-1 (President Alba dissented) to **REFUND** the $400.00 appeal fee which shall be used to pay part of the required fees for a conditional use application.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Cecile Gady, appellant; Brett Gladstone, attorney for appellant; Jonathan Straley, Donald Gillette, Dahlia Vizendo, Dorothy Taylor, in support of appellant; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 9:55 to 10:00 p.m. following the hearing above and before the further discussion.

(9) **COMMISSIONERS' COMMENTS AND QUESTIONS.**

SPEAKERS: The letter drafted by Commissioner Murphy to go to the Planning Commission will be discussed at the next meeting when Commissioner Murphy is present.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:12 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 1, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

(1) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

(2) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING/ADOPTION OF FINDINGS:

ITEM A: Letter from Patricia A. McColm, appellant, requesting rehearing of Appeal No. V94-198, 77 Westwood Drive. Hearing January 18, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the Zoning Administrator's findings and GRANT the variance with no conditions.

REQUEST FOR REHEARING:

ITEM B: Letter from Mark S. Hennigh, attorney for 444 MLHIRP Partnership, appellant, requesting rehearing of Appeal No. 94-188, permit to install a public service kiosk at the NW corner of Market and Front Streets. Hearing January 18, 1995. Upon motion by President Bradstreet, the Board voted 5-0 to UPHOLD the department and GRANT the permit for the approved site.

APPEAL NO. 92-050

(3)
ALAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 13, 1992, of
[permit to Alter a Building
[(legalize fifth unit installed
[without a building permit) at
[1401 - 1407 Mariposa Street.
[APPLICATION NO. 8915850.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-007

(4)
EDWARD & DOERTE MURRAY, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on
[January 4, 1995, to Eileen
[M. Long, dba "Martin Mack's
[Bar and Restaurant", Place
[of Entertainment permit at
[1568 Haight Street.
[FOR HEARING TODAY.

APPEAL NO. 95-006

(5)
AUGUSTO COLOMBANA & MIRELLA
ESTAGAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[January 17, 1995, for work
[done at 236 Silliman Street.
[APPLICATION NO. 9212797.
[FOR HEARING TODAY.

APPEAL NO. 95-004

(6)
DOROTHY L. DIXON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 29, 1994, to Susana
[Watt and Kim Yuen, permit to
[Alter a Building (1,300 s.f.
[vertical addition)
[at 428 - 39th Avenue.
[APPLICATION NO. 9400089S.
[FOR HEARING TODAY.

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APPEAL NO. 95-012

S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
(7) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting reissuance on
[January 17, 1995, to Louis F.
[Synder, permit to Erect a
[Sign (rooftop Sony Videotron)
[at 216 Stockton Street.
[APPLICATION NO. 9413943.
[FOR HEARING TODAY.

APPEAL NO. 95-013

S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
(8) vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[APPLICATION NO. 9415698.
[FOR HEARING TODAY.

(9) **CONDSIDERATION OF PROPOSED DEPARTMENT BUDGET FOR FISCAL YEAR 1995-1996.**

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: February 23, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

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#3
3/1/95

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 1, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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RESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

BSENT: Commissioner Angela Bradstreet.

oris Levine, the Official Court Reporter, swore in all those who intended to testify uring the meeting.

1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING/ADOPTION OF FINDINGS:

ITEM A: Letter from Patricia A. McColm, appellant, requesting rehearing of Appeal No. V94-198, 77 Westwood Drive. Hearing January 18, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's findings and **GRANT** the variance with no conditions.

Robert Feldman, Executive Director, reported that he failed to include in the Commissioners' packets a letter regarding a request for security from the appellant and that he requested the Board to continue the matter to March 22, 1995, the first date at which the appellant could be present.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 3-1 (Commissioner Felzer dissented) to **CONTINUE** the matter to **March 8, 1995.**

SPEAKERS: Richard Benjamin, variance holder; Anita Theoharis, in support of variance holder; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

REQUEST FOR REHEARING:

ITEM B: Letter from Mark S. Hennigh, attorney for 444 MLHIRP Partnership, appellant, requesting rehearing of Appeal No. 94-188, permit to install a public service kios at the NW corner of Market and Front Streets. Hearing January 18, 1995. Upon motio by President Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** th permit for the approved site.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4- to **GRANT** rehearing and scheduled it for **March 29, 1995.**

SPEAKERS: Mark Hennigh and JoAnne Dunec, attorneys for appellant; Harry O'Brien, attorney for permit holder; Judith Boyajian, Deputy City Attorney; an Gerald Mullarkey, appellant.

APPEAL NO. 92-050

(3)
ALAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 13, 1992, of
[permit to Alter a Building
[(legalize fifth unit installed
[without a building permit) at
[1401 - 1407 Mariposa Street.
[APPLICATION NO. 8915850.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **March 29, 1995** at request of Claire Pilcher, attorney for appellants.

APPEAL NO. 95-007

(4)
EDWARD & DOERTE MURRAY, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on
[January 4, 1995, to Eileen
[M. Long, dba "Martin Mack's
[Bar and Restaurant", Place
[of Entertainment permit at
[1568 Haight Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** impose by the Planning Department, Police Department and Department of Buildin Inspection.

SPEAKERS: Edward and Doerte Murray, appellants; Robert Passmore, Zoning Administrator for Planning Department; Judith Boyajian, Deputy City Attorney; Sergeants Terence Collins and Porto and Officer Dan Gallagher, S.F.P.D.; and Brian Maloney, permit holder's partner.

APPEAL NO. 95-006

(5)
AUGUSTO COLOMBANA & MIRELLA
ESTAGAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[January 17, 1995, for work
[done at 236 Silliman Street.
[APPLICATION NO. 9212797.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $517.08 for a total of $1,034.16.

SPEAKERS: Mirella Estagan, appellant; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

The Board recessed from 7:26 to 7:42 p.m.

APPEAL NO. 95-004

(6)
DOROTHY L. DIXON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 29, 1994, to Susana
[Watt and Kim Yuen, permit to
[Alter a Building (1,300 s.f.
[vertical addition)
[at 428 - 39th Avenue.
[APPLICATION NO. 9400089S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Dorothy Dixon, appellant; Bradley Dixon, appellant's son; Preston Wong, Freddie Hahne, Heidi Jewett(?), appellant's granddaughter, Gwen Davies, in opposition to the project; Robert Passmore, Zoning Administrator for the Planning Department; and Susana Watt, permit holder.

The Board recessed from 9:57 to 10:00 in order to reconvene in Room 410 because of the intense heat in Room 428; and 11:14 to 11:21.

APPEAL NO. 95-012

(7)
S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting reissuance on
[January 17, 1995, to Louis F.
[Synder, permit to Erect a
[Sign (rooftop Sony Videotron)
[at 216 Stockton Street.
[APPLICATION NO. 9413943.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 3-1 (Vice President Murphy dissented) to uphold the department and grant the permit with no conditions, four votes being necessary to impose conditions. Then upon motion by Commissioner Chan, the Board voted 4-0 to rescind the first vote and to **UPHOLD** the department and **GRANT** the permit with findings and the following **CONDITIONS:** (1) The hours of operation shall be Monday through Friday 9:00 a.m. to 11:00 p.m., Saturday 9:00 a.m. to midnight, Sunday 10:00 a.m. to 8:00 p.m. (2) 50% of available screen time shall be available for public service announcement. (3) VideoTron shall follow the National Association of Broadcasters (NAB) codes governing advertising in the strictest manner. (4) The company shall not accept any tobacco, pornographic or other type of advertising/programming which would embarrass parents, tourists, City officials, ethnic groups or local residents. (5) The VideoTron screen will be no brighter than other other general advertising sign on the square during daytime or evening hours.

SPEAKERS: Michael Burke, attorney for permit holder; Robert Friese, attorney for appellants; Stuart Morton, Jerry Wolsborn, Bob Meyers; Ellen Magnin Newman, Walter Newman, Courtney Clarkson, Rod Freebairn Smith, Bob Tibbitts, Joseph Padilla, Howard Trebner, Jane Winslow, Marsha Garland, Joe Butler, Philip Faight, Lynn Whittier, Nora Klebow, Morley Farquhar, in opposition to the project; Robert Passmore, Zoning Administrator for the Planning Department; Louis Snyder, permit holder; Jim Myers, representing Video Tron; Piero Patri, architect for permit holder; James Reuben, attorney and George Broder for Patrick Media, in favor of hearing Appeals 95-012 and 95-013 separately.

APPEAL NO. 95-013

(8)
S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[APPLICATION NO. 9415698.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 to **CONTINUE** the matter to **March 8, 1995** for a report from the Planning Department on the possible height restrictions, or to a later meeting if Planning determines further Section 309 review is necessary by the Planning Commission.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; George Broder, permit holder; Robert Friese, attorney for appellants; and Robert Meyers, for appellants.

(9) **CONDSIDERATION OF PROPOSED DEPARTMENT BUDGET FOR FISCAL YEAR 1995-1996.**

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4- to **ADOPT** the department budget.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 12:01 a.m.

Robert H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

SF
P30
#2
3/8/95

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 8, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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Agenda

(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING/ADOPTION OF FINDINGS:

ITEM A: Letter from Patricia A. McColm, appellant, requesting rehearing of Appeal No. V94-198, 77 Westwood Drive. Hearing January 18, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the Zoning Administrator's findings and GRANT the variance with no conditions.

REQUEST FOR JURISDICTION:

ITEM B: Letter from Helen L. Sause, Project Director, S.F. Redevelopment Agency, requesting that the Board take jurisdiction over a public service kiosk permit issued for the NW corner of Howard and Third Streets.

Date of issuance	February 6, 1995
Appeal period ended	February 21, 1995
Request for jurisdiction	February 24, 1995

APPEAL NO. 95-013

(3)
S.F. BEAUTIFUL, THE WESTIN ST. FRANCIS HOTEL, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[APPLICATION NO. 9415698.
[FOR FURTHER HEARING TODAY.

APPEAL NO. V94-180

(4)
PAUL J. KERNICH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 26, 1994,
[of Off-Street Parking and
[Rear Yard Variances (to
[legalize rear cottage as two
[units and to allow rear stairs
[in required rear yard) sought
[for 4621 - 18th Street.
[VARIANCE CASE NO. 94.394V.
[FOR REHEARING TODAY.

APPEAL NO. 95-010

(5)
SABHA OTHMAN, dba "ABC FOOD", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on January 11, 1995,
[of Mechanical Amusement Device
[permit at 200 Leavenworth Street.
[FOR HEARING TODAY.

APPEAL NO. 95-011

(6)
JAMES A. MARTIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[January 26, 1995, for work
[done at 1653 Alabama Street.
[APPLICATION NO. 9412218.
[FOR HEARING TODAY.

APPEAL NO. 95-015

(7)
BERNARD N. DUFFY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 7, 1995, for work
[done at 3502 - 23rd Street.
[APPLICATION NO. 9401241.
[FOR HEARING TODAY.

APPEAL NO. 95-009

(8)
CAROL M. MARSHALL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 30, 1994,
[to permit to Alter a Builiding
[(legalize third unit installed
[without a building permit) at
[1839-41 - 19th Avenue.
[APPLICATION NO. 9411647.
[FOR HEARING TODAY.

APPEAL NO. 95-016

(9)
J.C. DECAUX UNITED STREET
FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 1, 1995,
[of a Public Service Kiosk at
[the NW corner of Montgomery
[and Bush Streets, in front
[of 201 Montgomery Street.
[FOR HEARING TODAY.

APPEAL NO. 95-014

(10)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[January 23, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SE corner of
[Powell and O'Farrell Streets,
[in front of 170 Powell Street.
[PERMIT NO. 94PSK-004.1.
[FOR HEARING TODAY.

APPEAL NO. V95-008

(11)
FEDERICO & MARIA GONZALEZ,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on January 10, 1995, of
[Parking Variance (construction
[of a two-unit residential building
[at the front of the lot)
[at 2241 Bryant Street.
[VARIANCE CASE NO. 94.617V.
[FOR HEARING TODAY.

(12) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: March 2, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 8, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING/ADOPTION OF FINDINGS:

ITEM A: Letter from Patricia A. McColm, appellant, requesting rehearing of Appeal No. V94-198, 77 Westwood Drive. Hearing January 18, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's findings and **GRANT** the variance with no conditions.

ACTION: After discussion, upon motion by President Alba, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Judith Boyajian, Deputy City Attorney; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

REQUEST FOR JURISDICTION:

ITEM B: Letter from Helen L. Sause, Project Director, S.F. Redevelopment Agency, requesting that the Board take jurisdiction over a public service kiosk permit issued for the NW corner of Howard and Third Streets.

Date of issuance	February 6, 1995
Appeal period ended	February 21, 1995
Request for jurisdiction	February 24, 1995

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 3-2 (Commissioners Chan and Felzer dissented) to grant the request for jurisdiction. Four votes are needed and the motion failed. Then upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Felzer dissented) to **RESCIND** the first motion and to **CONTINUE** the matter to **March 22, 1995** to allow for a representative from the Redevelopment Agency to speak to the Board.

SPEAKERS: Harry O'Brien, attorney for permit holder. The Executive Director reported that the agency had telephoned the Board office at 4:30 p.m. to say its representative was unable to attend this meeting because of sudden illness.

APPEAL NO. 95-013

(3)
S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[APPLICATION NO. 9415698.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 4-0 (Commissioner Bradstreet excused) to **CONTINUE** the matter to **May 10, 1995** to allow for a Planning Commission public hearing on a Section 309 exception to the height limit by the permit holder and any appeals of that decision to the Board.

SPEAKERS: Robert Meyers for San Francisco Beautiful. The Executive Director reported on a letter from the Zoning Administrator to the project sponsor determining that the project needed Section 309 review by the Planning Commission and that the earliest hearing date could be April 6, 1995.

APPEAL NO. V94-180

(4)
PAUL J. KERNICH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 26, 1994,
[of Off-Street Parking and
[Rear Yard Variances (to
[legalize rear cottage as two
[units and to allow rear stairs
[in required rear yard) sought
[for 4621 - 18th Street.
[VARIANCE CASE NO. 94.394V.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 5-C **UPHOLD** the department and **DENY** the variance with no new **CONDITIONS**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Kelly Dearman, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; Paul Kernich, appellant; and Dan McCormick and Conan Leary, in support of the appellant.

APPEAL NO. 95-010

(5)
SABHA OTHMAN, dba "ABC FOOD", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on January 11, 1995,
[of Mechanical Amusement Device
[permit at 200 Leavenworth Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Robert Moore, attorney for appellant.

APPEAL NO. 95-011

(6)
JAMES A. MARTIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[January 26, 1995, for work
[done at 1653 Alabama Street.
[APPLICATION NO. 9412218.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 1-4 (President Alba, Vice President Murphy, Commissioners Bradstreet and Chan dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $378.30 for a total of $756.60. Four votes are needed and the motion failed. Then upon motion by Vice President Murphy, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to seven times the regular fee of $378.30 for a total of $2,648.10.

SPEAKERS: James Martin, appellant; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Terry Milne, in support of department.

APPEAL NO. 95-015

(7)
BERNARD N. DUFFY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 7, 1995, for work
[done at 3502 - 23rd Street.
[APPLICATION NO. 9401241.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $46.15 for a total of $92.30.

SPEAKERS: Bernard Duffy, appellant; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

The Board recessed from 7:26 to 7:38 p.m.

APPEAL NO. 95-009

(8)
CAROL M. MARSHALL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 30, 1994,
[to permit to Alter a Building
[(legalize third unit installed
[without a building permit) at
[1839-41 - 19th Avenue.
[APPLICATION NO. 9411647.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **OVERRULE** the department with findings and **GRANT** the permit to legalize the third unit.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; Carol Marshall, appellant; and Brian Kavanagh, agent for appellant.

APPEAL NO. 95-016

(9)
J.C. DECAUX UNITED STREET
FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 1, 1995,
[of a Public Service Kiosk at
[the NW corner of Montgomery
[and Bush Streets, in front
[of 201 Montgomery Street.
[FOR HEARING TODAY.

Vice President Murphy was excused from participating for the reason her firm has offices in 235 Montgomery which presents a conflict of interest.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 (Commissioner Murphy excused) to **UPHOLD** the department with findings and **DENY** the permit.

SPEAKERS: Harry O'Brien, attorney for appellant; Francois Nion, appellant; Jacob Szeto and Vanessa Conrad for Department of Public Works; and Bill Shaw and David Reese, in support of the department.

The Board recessed from 8:59 to 9:07 p.m.

APPEAL NO. 95-014

(10)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[January 23, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SE corner of
[Powell and O'Farrell Streets,
[in front of 170 Powell Street.
[PERMIT NO. 94PSK-004.1.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **OVERRULE** the department with findings and **REVOKE** the permit.

SPEAKERS: Gladyne Mitchell and Yvonne Eder for appellant; Joseph Sofer, Dan Weintein, Steven Lagorce, Joe Rosha, Scott Kim, Michael Assoulne, Jae Yoo, in support of appellant; Jacob Szeto for Department of Public Works; Harry O'Brien, attorney for permit holder; and Sue Hestor, attorney for appellant.

The Board recessed from 10:03 to 10:07 p.m.

APPEAL NO. V95-008

(11)
FEDERICO & MARIA GONZALEZ,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on January 10, 1995, of
[Parking Variance (construction
[of a two-unit residential build-
[ing at the front of the lot)
[at 2241 Bryant Street.
[VARIANCE CASE NO. 94.617V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **UPHOLD** the department and **DENY** the variance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Abraham Zavala, agent for appellants.

(12) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:34 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 22, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

Agenda

(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Helen L. Sause, Project Director, S.F. Redevelopment Agency, requesting that the Board take jurisdiction over a public service kiosk permit issued for the NW corner of Howard and Third Streets.

Date of issuance	February 6, 1995
Appeal period ended	February 21, 1995
Request for jurisdiction	February 24, 1995

REQUEST FOR REHEARING:

ITEM B: Letter from M. Elizabeth Martin of S.F. Beautiful, appellant requesting rehearing of Appeal No. 95-012, 216 Stockton Street (VideoTron). Hearing March 1, 1995. Upon motion by Commissioner Chan, the Board voted 3-1 (Vice President Murphy dissented and Commissioner Bradstreet absent) to uphold the department and grant the permit with no conditions, four votes being necessary to impose conditions. Then upon motion by Commissioner Chan, the Board voted 4-0 (Commissioner Bradstreet absent) to rescind the first vote and to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

APPEAL NO. 95-025

(3) TERENCE HALLINAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 10, 1995, to Bob Lesoine,
[permit to Alter a Building (repair
[deck to original condition) at
[45 Grattan Street.
[APPLICATION NO. 9501974.
[FOR HEARING TODAY.

APPEAL NO. 95-024

(4) FRANCISCO GONZALEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 22, 1995, for work
[done at 15 - 17 Ney Street.
[APPLICATION NO. 9418066.
[FOR HEARING TODAY.

APPEAL NO. 95-019

(5) HENRY A. EPSTEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January
[31, 1995, to Karen Goldberg,
[permit to Alter a Building
[(install pizza oven and hood,
[build seven foot wall, enlarge
[windows to 4'x5') at
[3901 - 24th Street.
[APPLICATION NO. 9500917.
[FOR HEARING TODAY.

APPEAL NO. V95-022

(6) ROBERT McALISTER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on February
[8, 1995, to Lawrence Higa, Rear
[Yard Variance (to allow the
[construction of a two-story
[vertical addition to an existing
[two-story three-family dwelling
[and the merger of three dwelling
[units to two dwelling units) for
[property at 49-53 Telegraph Place.
[VARIANCE CASE NO. 94.259V.
[FOR HEARING TODAY.

APPEAL NO. 94-149

(7) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August 30,
[1994, that the use and occupancy
[of the hotel at 650 Bush Street,
[the Vintage Court Hotel, formerly
[the Colonial Hotel, has been
[reviewed and is a lawful use under
[the Residential Hotel Unit Conver-
[sion and Demolition Ordinance
[and the City Planning Code and
[that the Department of City
[Planning will not now pursue
[enforcement of the Planning Code
[even though an exemption was
[granted by the Bureau of Building
[Inspection at the time without
[review and approval of the
[Department of City Planning.
[FOR HEARING TODAY.

APPEAL NO. 94-150

(8) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August 30,
[1994, that the use and occupancy
[of the hotel at 775 Bush Street,
[the Golden Gate Hotel, has been
[reviewed and is a lawful use under
[the Residential Hotel Unit Conver-
[sion and Demolition Ordinance
[and the City Planning Code and
[that the Department of City
[Planning will not now pursue
[enforcement of the Planning Code
[even though an exemption was
[granted by the Bureau of Building
[Inspection at the time without
[review and approval of the
[Department of City Planning.
[FOR HEARING TODAY.

APPEAL NO. 95-003

(9) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECT. DISAPPROVAL

[Denial on December 30, 1994,
[by the Bureau of Building
[Inspection of a hotel conver-
[sion application for failure
[to meet requirement of the
[Hotel Conversion Ordinance
[Section 41.13(d) necessary to
[allow conversion of the Cornell
[Hotel at 715 Bush Street to full
[tourist use.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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(10) **AMENDMENT TO BOARD RULES**: Addition of Section 8 to Article IV regarding indigency and waiver of appeal fees.

(11) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: March 16, 1995

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MARCH 22, 1995
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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian and Kate Stacy, Deputy City Attorneys; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Harold Treskunoff on behalf of Nick Nano, who runs a newsstand at the corner of Sansome and Sutter Streets, site of a proposed kiosk which will reduce the size of his stand.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Helen L. Sause, Project Director, S.F. Redevelopment Agency, requesting that the Board take jurisdiction over a public service kiosk permit issued for the NW corner of Howard and Third Streets.

Date of issuance	February 6, 1995
Appeal period ended	February 21, 1995
Request for jurisdiction	February 24, 1995

ACTION: **WITHDRAWN** prior to hearing by the Redevelopment Agency.

REQUEST FOR REHEARING:

ITEM B: Letter from M. Elizabeth Martin of S.F. Beautiful, appellant requesting rehearing of Appeal No. 95-012, 216 Stockton Street (VideoTron). Hearing March 1, 1995. Upon motion by Commissioner Chan, the Board voted 3-1 (Vice President Murphy dissented and Commissioner Bradstreet absent) to uphold the department and grant the permit with no conditions, four votes being necessary to impose conditions. Then upon motion by Commissioner Chan, the Board voted 4-0 (Commissioner Bradstreet absent) to rescind the first vote and to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 (Commissioner Bradstreet excused) to **GRANT** rehearing and scheduled it for **May 3, 1995**. Commissioner Bradstreet explained why she had to recuse herself and left the dais at 5:55 p.m. before testimony began, returning to her seat at 6:55 p.m. when Item 3 was called.

SPEAKERS: Sue Hestor, attorney for appellants; Robert Passmore, Zoning Administrator for Planning Department; Michael Burke, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 95-025

(3)
TERENCE HALLINAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 10, 1995, to Bob Lesoine,
[permit to Alter a Building (repair
[deck to original condition) at
[45 Grattan Street.
[APPLICATION NO. 9501974.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITIONS** stated in the agreement dated March 21, 1995 which was admitted at the meeting to be part of the record.

SPEAKERS: None.

APPEAL NO. 95-024

(4)
FRANCISCO GONZALEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[February 22, 1995, for work
[done at 15 - 17 Ney Street.
[APPLICATION NO. 9418066.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $167.05 for a total of $334.10.

SPEAKERS: Francisco Gonzalez, appellant; James Hutchinson, Senior Building Inspector for Building Inspection Department.

APPEAL NO. 95-019

(5)
HENRY A. EPSTEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January
[31, 1995, to Karen Goldberg,
[permit to Alter a Building
[(install pizza oven and hood,
[build seven foot wall, enlarge
[windows to 4'x 5') at
[3901 - 24th Street.
[APPLICATION NO. 9500917.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion Commissioner Bradstreet, the Board voted 4-1 (Commissioner Chan dissented) to **UPHOLD** the department and **GRANT** the permit with findings as stated on the record by Commissioner Bradstreet.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Henry Epstein, appellant; Jean Amos, Peter Goess, Eleanor Gearhart, Peggy Banawick, Yvonne Borg, in opposition to the project; Karen Goldberg, permit holder; Greg Herman, Andy Forrest, Gisette Bennett, Bradley Black, Tessa Graham, Mark Clark, in support of the permit holder; and Jeff Brinton, attorney for permit holder.

he Board recessed from 8:39 to 8:53 p.m.

APPEAL NO. V95-022

6) ROBERT McALISTER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on February
[8, 1995, to Lawrence Higa, Rear
[Yard Variance (to allow the
[construction of a two-story
[vertical addition to an existing
[two-story three-family dwelling
[and the merger of three dwelling
[units to two dwelling units) for
[property at 49-53 Telegraph Place.
[VARIANCE CASE NO. 94.259V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the variance with findings by Commissioner Bradstreet as stated on the record.

SPEAKERS: Robert McAlister, appellant; Bob Tibbitts, in support of appeal; Robert Passmore, Zoning Administrator for Planning Department; Andy Forrest, in support of variance; and Lawrence Higa, variance holder.

APPEAL NO. 94-149

7) CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August 30,
[1994, that the use and occupancy
[of the hotel at 650 Bush Street,
[the Vintage Court Hotel, formerly
[the Colonial Hotel, has been
[reviewed and is a lawful use under
[the Residential Hotel Unit Conver-
[sion and Demolition Ordinance
[and the City Planning Code and
[that the Department of City
[Planning will not now pursue
[enforcement of the Planning Code
[even though an exemption was
[granted by the Bureau of Building
[Inspection at the time without
[review and approval of the
[Department of City Planning.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Andrew Zacks, attorney for appellants.

APPEAL NO. 94-150

(8)
CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated August 30,
[1994, that the use and occupancy
[of the hotel at 775 Bush Street,
[the Golden Gate Hotel, has been
[reviewed and is a lawful use under
[the Residential Hotel Unit Conver-
[sion and Demolition Ordinance
[and the City Planning Code and
[that the Department of City
[Planning will not now pursue
[enforcement of the Planning Code
[even though an exemption was
[granted by the Bureau of Building
[Inspection at the time without
[review and approval of the
[Department of City Planning.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Andrew Zacks, attorney for appellants.

APPEAL NO. 95-003

(9)
CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECT. DISAPPROVAL

[Denial on December 30, 1994,
[by the Bureau of Building
[Inspection of a hotel conver-
[sion application for failure
[to meet requirement of the
[Hotel Conversion Ordinance
[Section 41.13(d) necessary to
[allow conversion of the Cornell
[Hotel at 715 Bush Street to full
[tourist use.
[FOR HEARING TODAY.

Vice President Murphy explained her conflict of interest and on motion by Commissioner Chan was excused. She left the room at 9:35 p.m. before the testimony began.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 (Vice President Murphy excused) to **CONTINUE** the matter to **May 3, 1995** for further briefing which is due by **April 19, 1995**.

SPEAKERS: Andrew Zacks, attorney for appellants; Claude Lambert, appellant; Eric Gustavson, Franklin Hirsch, William Kunzig, August Sturz, Tom Fields, Alicia Ashby, Albert Lucas, Bob Jacobs, Eloise Reece, Jed Maxwell, Max Probst, in support of appeal; James Hutchinson, Senior Building Inspector for Building Inspection Department; Randy Shaw, in support of department; and Kate Stacy, Deputy City Attorney;

(10) **AMENDMENT TO BOARD RULES:** Addition of Section 8 to Article IV regarding indigency and waiver of appeal fees.

ACTION: **CONTINUED** to **April 12, 1995** to allow for additional notice on calendar.

SPEAKER: Patricia McColm.

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 11:09 p.m.

Robert H Feldman

Robert H. Feldman
Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 5, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Letter from Todd L. Burlingame, attorney for Henry L. Enspruch, requesting that the Board take jurisdiction over determination by Bureau of Building Inspection that the buildings at 527 Stevenson and 550 Jessie Streets (formerly 527-529 Stevenson Streets), are one building and electrical service sought for 527 Stevenson is not permitted under the Electrical Code.

Date issued	December 27, 1994
Appeal period ended	January 11, 1995
Request for jurisdiction	March 16, 1995

RESCHEDULED TO 4/26/95

APPEAL NO. 92-050

(3)
ALAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 13, 1992, of
[permit to Alter a Building
[(legalize fifth unit installed
[without a building permit) at
[1401 - 1407 Mariposa Street.
[APPLICATION NO. 8915850.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-029

(4)
W. DEWAINE EDWARDS, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
CITY PLANNING APPROVAL

[Appeal for Refund of Penalty
[imposed on March 6, 1995, for
[work done at 1031-1035 Fell Street.
[APPLICATION NO. 9408857.
[FOR HEARING TODAY.

APPEAL NO. 94-197

(5)
MANOUCHER MOBEDSHASHI, dba
"THE SHERMAN HOUSE", Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent

[Order of the Department of Public
[Health issued December 13, 1994
[to The Sherman House, 2160 Green
[Street, that food service to all
[non-residents of The Sherman House
[shall cease and desist effective
[December 13, 1994 because of vio-
[lation of State and City Health
[Codes.
[ABATEMENT CASE NO. 02-94-662.
[FOR HEARING TODAY.

RESCHEDULED TO 4/12/95

APPEAL NO. 94-188

(6)
444 MLHIRP PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NW corner of Market
[and Front Streets, on sidewalk
[of 444 Market Street.
[PERMIT NO. 94PSK-002.
[FOR REHEARING TODAY.

APPEAL NO. 95-021

(7)
WILLIAM FOUNDAS, dba "PINECREST RESTAURANT", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 6, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of
[Mason and Geary Streets, in
[front of 401 Geary Street.
[PERMIT NO. 94PSK-005.
[FOR HEARING TODAY.

APPEAL NO. 95-027

(8)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 17, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of Sutter
[and Montgomery Streets, in front
[of 111 Sutter Street.
[PERMIT NO. 94PSK-004.2.
[FOR HEARING TODAY.

Items (9A) and (9B) shall be heard together

APPEAL NO. 95-026

(9A)
PHUONG NGUYEN, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on February
[17, 1995, to Bridgemont Associates.
[permit to Erect a Building (three-
[story one-family home) at
[1483 Bacon Street.
[APPLICATION NO. 9406462.
[FOR HEARING TODAY.

APPEAL NO. 95-037

(9B)
PHUONG NGUYEN, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 2,
[1995, to Bridgemont Associates,
[permit to Erect a Building (three-
[story one-family home) at
[1473 Bacon Street.
[APPLICATION NO. 9412250.
[FOR HEARING TODAY.

APPEAL NO. V95-005

(10)
RICHMOND COMMITTEE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on
[January 6, 1995, to Robert
[Marquis, Parking Variance
[(construction of neighborhood
[gymnasium/community center to
[include 8,000 s.f. gym, 2,500
[s.f. lobby area, 800 s.f. of
[offices and 3,000 s.f. of
[meeting rooms) for property
[at 251 - 18th Avenue.
[VARIANCE CASE NO. 94.291V.
[FOR HEARING TODAY.

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: March 30, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
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DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
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San Francisco, California 94103
(415) 554-6720

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer. Commissioner Chan arrived at 7:38 and participated in items 7 through 11, but not in 1 through 6.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Timothy Gillespie on Board procedures in allowing certain testimony at a hearing last meeting.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Letter from Todd L. Burlingame, attorney for Henry L. Enspruch, requesting that the Board take jurisdiction over determination by Bureau of Building Inspection that the buildings at 527 Stevenson and 550 Jessie Streets (formerly 527-529 Stevenson Streets), are one building and electrical service sought for 527 Stevenson is not permitted under the Electrical Code.

Date issued	December 27, 1994
Appeal period ended	January 11, 1995
Request for jurisdiction	March 16, 1995

ACTION: **RESCHEDULED** prior to hearing to **April 26, 1995** at request of Todd L. Burlingame, attorney for permit holder.

APPEAL NO. 92-050

(3)
ALAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 13, 1992, of
[permit to Alter a Building
[(legalize fifth unit installed
[without a building permit) at
[1401 - 1407 Mariposa Street.
[APPLICATION NO. 8915850.
[FOR FURTHER HEARING TODAY.

city to accommodate these individuals.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 3-1 (Commissioner Felzer dissented and Commissioner Chan absent) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Alan and Lorraine Thompson, appellants; James Hutchinson, Senior Building Inspector for Department of Building Inspection; Robert Passmore, Zoning Administrator for Planning Department; Judith Boyajian, Deputy City Attorney; and Samuel Auerbach for appellants.

APPEAL NO. 95-029

(4)
W. DEWAINE EDWARDS, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
CITY PLANNING APPROVAL

[Appeal for Refund of Penalty
[imposed on March 6, 1995, for
[work done at 1031-1035 Fell Street.
[APPLICATION NO. 9408857.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Chan absent) to **OVERRULE** the department with the **CONITION** that the entire penalty be eliminated for reason that the work was done before 1960 as required by the Building Code.

SPEAKERS: W. Dewaine Edwards, appellant; James Hutchinson, Senior Building Inspector for Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 94-197

(5)
MANOUCHER MOBEDSHASHI, dba
"THE SHERMAN HOUSE", Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent

[Order of the Department of Public
[Health issued December 13, 1994
[to The Sherman House, 2160 Green
[Street, that food service to all
[non-residents of The Sherman House
[shall cease and desist effective
[December 13, 1994 because of vio-
[lation of State and City Health
[Codes.
[ABATEMENT CASE NO. 02-94-662.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **April 12, 1995** at request of Michael Burke, attorney for appellant.

APPEAL NO. 94-188

(6)
444 MLHIRP PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[November 9, 1994, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the NW corner of Market
[and Front Streets, on sidewalk
[of 444 Market Street.
[PERMIT NO. 94PSK-002.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion President Alba, the Board voted 3-2 (Vice President Murphy and Commissioner Chan dissented) to **UPHOLD** the department and **GRANT** the permit with the understanding that J.C. Decaux company will use a pillar-type kiosk and not a heritage-type kiosk.

SPEAKERS: JoAnne Dunec, attorney for appellant; Jacob Szeto and Vit Troyan for Department of Public Works; Harry O'Brien, attorne for permit holder; August Longo, in support of the appellant; and Gerald Mullarkey, appellant.

The Board recessed from 7:30 to 7:41 p.m. Commissioner Chan arrived at 7:38 p.m. and participated in the remaining items.

APPEAL NO. 95-021

(7)
WILLIAM FOUNDAS, dba "PINECREST RESTAURANT", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 6, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of
[Mason and Geary Streets, in
[front of 401 Geary Street.
[PERMIT NO. 94PSK-005.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **April 12, 1995** at request of appellant.

APPEAL NO. 95-027

(8)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 17, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of Sutter
[and Montgomery Streets, in front
[of 111 Sutter Street.
[PERMIT NO. 94PSK-004.2.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Chan dissented) to **OVERRULE** the department and disapprove the permit. Commissioner Felzer said he misunderstood the motion. Commissioner Chan moved that the vote be rescinded and the Board voted 4-1 (President Alba dissented) to rescind. Upon new motion by Vice President Murphy, the Board voted 3-2 (Commissioners Felzer and Chan dissented) to overrule and disapprove the permit. Four votes being necessary to overrule, the permit was **UPHELD**.

SPEAKERS: Deanna Copelan and Yvonne Eder, appellants; David Reese, in support o appellants; Jacob Szeto for Department of Public Works; Harry O'Brien attorney for permit holder; and Francois Nion, permit holder.

Items (9A) and (9B) were heard together

APPEAL NO. 95-026

(9A)
PHUONG NGUYEN, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on February
[17, 1995, to Bridgemont Associates
[permit to Erect a Building (three-
[story one-family home) at
[1483 Bacon Street.
[APPLICATION NO. 9406462.
[FOR HEARING TODAY.

APPEAL NO. 95-037

(9B)
PHUONG NGUYEN, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 2,
[1995, to Bridgemont Associates,
[permit to Erect a Building (three-
[story one-family home) at
[1473 Bacon Street.
[APPLICATION NO. 9412250.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 5-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: Michael Garavaglia, architect for appellant; Phuong Nguyen, appellant Wang Wong, Gordon Gee, On Lau, in support of appellant; Robert Passmore Zoning Administrator for the Planning Department; Mel Lee, attorney fo permit holder; and Arnold Townsend for permit holder.

The Board recessed from 9:34 to 9:45 p.m.

APPEAL NO. V95-005

(10)
RICHMOND COMMITTEE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on
[January 6, 1995, to Robert
[Marquis, Parking Variance
[(construction of neighborhood
[gymnasium/community center to
[include 8,000 s.f. gym, 2,500
[s.f. lobby area, 800 s.f. of
[offices and 3,000 s.f. of
[meeting rooms) for property
[at 251 - 18th Avenue.
[VARIANCE CASE NO. 94.291V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the Zoning Administrator findings with additional findings stated on the record by Vice President Murphy.

SPEAKERS: Bruce Lilienthal and Peter Fowler, attorneys for appellant; Chesley Tom, appellant; Simon Titherthie, Helen Hobbs, Gail Loti, Rhonda Davidson, James Holmes, Ken Jones, Benny Fine, Betty Cassidy, Patrick Stack, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Tim Lilyquist for Recreation and Park Department and variance holder; Hal Brandes, architect for variance holder; and Ron Miguel, Jonathan Bulsley, Leslie Knight, Stan Herzstein, Diana McNamara, Jill Hallinan, Jill Tawnee, Aki Oki, Jim Lazarus, Bill Sheperd, Redmond Kernan, Chuck Lantz, in support of the project.

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 11:54 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 12, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) Presentation of Resolution of Appreciation to Commissioner Angela Bradstreet for her 1½ years of service as president.

(2) **AMENDMENT TO BOARD RULES:** Public hearing and consideration of addition of Section 8 to Article V regarding indigency and waiver of appeal fees. For adoption.

Presently: Section 8 of Part III of the Municipal Code states, Board may waive full appeal fee for an indigent. There is no criteria for determining indigency in the Municipal Code or Board Rules.

Proposed: Rule would require staff of Board to use criteria of the Department of Social Services (DSS) to determine indigency. For General Assistance DSS's present standard: cash and savings at $25 or less; monthly income less than $340; car of cash value less than $1,800; may own home if average monthly housing expense does not exceed maximun grant amount ($340).

See Public Notice attached for more complete description of Rule addition.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Trevor Levine, requesting that the Board take jurisdiction over Building Permit Application No. 9409172 issued to Warren Baker for conversion of a laudromat to a check cashing facility at 1326 Grove Street.

Date issued	December 6, 1994
Appeal period ended	December 21, 1994
Request for jurisdiction	March 14, 1995

APPEAL NO. 95-023

(4)
J. MARK THOMPSON, dba "M & M AUTO WRECKERS", Appellant
vs.
POLICE DEPARTMENT, Respondent
PLANNING COMMISSION DISAPPROVAL
BOARD OF SUPV. DISAPPROVAL ON APPEAL

[Denial on February 7, 1995, of Auto Wrecker/Second Hand Dealer-Auto Accessories permit at 50 Quint Street.
[FOR HEARING TODAY.

APPEAL NO. 94-197

(5)
MANOUCHER MOBEDSHASHI, dba "THE SHERMAN HOUSE", Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent
PLANNING COMMISSION DISAPPROVAL

[Order of the Department of Public Health issued December 13, 1994 to The Sherman House, 2160 Green Street, that food service to all non-residents of The Sherman House shall cease and desist effective December 13, 1994 because of violation of State and City Health Codes.
[ABATEMENT CASE NO. 02-94-662.
[FOR HEARING TODAY.

APPEAL NO. 95-030

ART COMMISSION, Appellant
(6) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on March 6,
[1995, permit to install a Public
[Service Kiosk at the NW corner
[of Beach and Hyde Streets.
[PERMIT NO. 94PSK-006.1.
[FOR HEARING TODAY.

APPEAL NO. 95-028

J.C. DECAUX UNITED STREET
FURNITURE, Appellant
(7) vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 23, 1995,
[of a Public Service Kiosk at
[the NW corner of Grant and
[Geary Streets, in front of
[105 Grant Street.
[FOR HEARING TODAY.

APPEAL NO. 95-032

J.C. DECAUX UNITED STREET
FURNITURE, Appellant
(8) vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 23, 1995,
[of a Public Service Kiosk at
[the NW corner of Grant and
[Sutter Streets, in front of
[301 Grant Street.
[FOR HEARING TODAY.

APPEAL NO. 95-021

WILLIAM FOUNDAS, dba "PINECREST
RESTAURANT", Appellant
(9) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 6, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of
[Mason and Geary Streets, in
[front of 401 Geary Street.
[PERMIT NO. 94PSK-005.
[FOR HEARING TODAY.

(10) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: April 6, 1995

NOTICE OF PUBLIC HEARING BEFORE THE SAN FRANCICO BOARD OF PERMIT APPEALS ON PROPOSED ADDITION TO RULES OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 12, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PROPOSAL: The staff of the Board proposes that the Board add a new Section 8 to Article V of the Board's Rules to read as follows:

8. Indigency. In determining indigency for the purposes of waiver of appeal fees under Section 8(g) of Part III of the San Francisco Municipal Code, the staff shall use the standards of the San Francisco Department of Social Services.

ORDINANCE WHICH PROVIDES FOR WAIVER OF FEES FOR INDIGENTS: Section 8(g) of Part III of the San Francisco Municipal Code states that an exemption from paying the full fee specified in subsections (a) through (f), which set forth the appeal fees ranging from $100 to $400, may be granted upon the filing under penalty of perjury of a declaration of indigency on the form provided and approved by the Board of Permit Appeals.

THE WAY IT HAS BEEN HANDLED IN THE PAST: Persons claiming indigency submitted a copy of their documentation from the government indicating they were receiving AFDC, General Assistance or SSI benefits. A copy was attached to the declaration of indigency petition and placed in the file and the appeal fee was waived and the appeal accepted. The Board was not informed of the waiver of fees.

PROBLEM WHICH HAS ARISEN: The staff has been presented with the problem of a person requesting a waiver of fees who is not receiving any government benefits and therefore has no documentation to submit establishing indigency and eligibility for waiver of fees.

HOW PROPOSED RULE WOULD ASSIST STAFF: The proposed rule will direct the staff to use the standards of the Department of Social Services to determine indigency in the case of a petitioner not receiving government benefits.

PRESENT DEPT. OF SOCIAL SERVICES STANDARDS FOR GENERAL ASSISTANCE:

- Monthly income and assets must be at least $5 less than the General Assistance grant. One person living alone cannot receive more than $340.
- All assets in excess of current monthly grant amount, including money in cash, savings and/or checking accounts, shall be offset against the General Assistance grant on a dollar-for-dollar basis. Person may own a car provided cash value is less than $1,800.
- Person may own home provided average monthly housing expense does not exceed the maximum monthly grant amount which is $345 for a person alone.

The public is invited to attend this public hearing and anyone may testify up to 3 minutes each. Written comments must be submitted, original and nine copies, to the Board office at 875 Stevenson Street, Room 440, San Francisco, CA 94103 no later than 4:00 P.M. Thursday, April 6, 1995. Briefs or letters are limited to 12 pages, excluding exhibits.
For information concerning this or any permit appeal matter please telephone the Board staff at 554-6720 during regular business hours. Copies of the Board's Rules are available at the Board office.

Posted March 31, 1995.

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 12, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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RESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer. Vice President Murphy departed at 6:27 p.m. but participated in items 2 and 6.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

oris Levine, the Official Court Reporter, swore in all those who intended to testify uring the meeting.

1) Presentation of Resolution of Appreciation to Commissioner Angela Bradstreet for her 1½ years of service as president.

(2) **AMENDMENT TO BOARD RULES:** Public hearing and consideration of addition of Section 8 to Article V regarding indigency and waiver of appeal fees. For adoption.

Presently: Section 8 of Part III of the Municipal Code states, Board may waive full appeal fee for an indigent. There is no criteria for determining indigency in the Municipal Code or Board Rules.

Proposed: Rule would require staff of Board to use criteria of the Department of Social Services (DSS) to determine indigency. For General Assistance DSS's present standard: cash and savings at $25 or less; monthly income less than $340; car of cash value less than $1,800; may own home if average monthly housing expense does not exceed maximun grant amount ($340).

See Public Notice attached for more complete description of Rule addition.

ACTION: After discussion, upon motion by President Alba, the Board voted 5-0 to **ADOPT** amendment to Board Rules.

SPEAKERS: Edith McMillan, Timothy Gillespie, in opposition; and Joe O'Donoghue, Anita Theoharis, in support.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Trevor Levine, requesting that the Board take jurisdiction ove Building Permit Application No. 9409172 issued to Warren Baker for conversion o a laudromat to a check cashing facility at 1326 Grove Street.

Date issued	December 6, 1994
Appeal period ended	December 21, 1994
Request for jurisdiction	March 14, 1995

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 2- (President Alba and Commissioner Bradstreet dissented, Vice Presiden Murphy absent) to deny the request. Four votes are needed and the reques is **DENIED**.

SPEAKERS: Trevor Levine, requestor; Holly Etlin, Michael Rosen, Teresa Ellis, i support of request; Anna Shimko, attorney for permit holder; Warren Baker permit holder; and Robert Passmore, Zoning Administrator for Plannin Department.

APPEAL NO. 95-023

J. MARK THOMPSON, dba "M & M AUTO
WRECKERS", Appellant
(4) vs.
POLICE DEPARTMENT, Respondent
PLANNING COMMISSION DISAPPROVAL
BOARD OF SUPV. DISAPPROVAL ON APPEAL

[Denial on February 7, 1995,
[of Auto Wrecker/Second Hand
[Dealer-Auto Accessories permit
[at 50 Quint Street.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chan, the Board voted 4-0 (Vice Presiden Murphy absent) to **UPHOLD** the department and **DENY** the permit.

SPEAKER: Virginia Conway, in support of department. The appellant did not appear.

APPEAL NO. 94-197

MANOUCHER MOBEDSHASHI, dba
"THE SHERMAN HOUSE", Appellant
(5) vs.
DEPT. PUBLIC HEALTH, Respondent
PLANNING COMMISSION DISAPPROVAL

[Order of the Department of Public
[Health issued December 13, 1994
[to The Sherman House, 2160 Green
[Street, that food service to all
[non-residents of The Sherman House
[shall cease and desist effective
[December 13, 1994 because of vio-
[lation of State and City Health
[Codes.
[ABATEMENT CASE NO. 02-94-662.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

S.F.

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 26, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

2) MATTERS FOR CONSIDERATION: REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE

INUTES OF THE BOARD OF PERMIT APPEALS, APRIL 12, 1995 (cont'd.)

APPEAL NO. 95-030

6) ART COMMISSION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on March 6,
[1995, permit to install a Public
[Service Kiosk at the NW corner
[of Beach and Hyde Streets.
[PERMIT NO. 94PSK-006.1.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department and **DENY** the permit with additional findings as stated on the record by Commissioner Chan.

SPEAKERS: Howard Lazar and Joanne Chow Winship for appellant; Harry O'Brien, attorney for permit holder; Bob Plantholt, in support of permit holder; Jacob Szeto, Department of Public Works; and Stanley Roth, Edith McMillan, David Reese, in support of appellant. On request for show of hands of those in support of appeal, 35 people in audience raised hands.

APPEAL NO. 95-028

(7) J.C. DECAUX UNITED STREET
FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 23, 1995,
[of a Public Service Kiosk at
[the NW corner of Grant and
[Geary Streets, in front of
[105 Grant Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 2-2 (Commissioners Chan and Felzer dissented, Vice President Murphy absent) to **UPHOLD** the department and **DENY** the permit. Four votes being needed to overrule a department the denial was upheld.

SPEAKERS: Jacob Szeto, Department of Public Works; Harry O'Brien, attorney for permit holder; James Ficenec, Howard Grashin, Edward Lawson, in support of the department; and John Barbey, Reverend Jo Bennett, Terry Campbell, in support of the appellant.

The Board recessed from 7:35 to 7:47 p.m.

APPEAL NO. 95-032

(8) J.C. DECAUX UNITED STREET
FURNITURE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 23, 1995,
[of a Public Service Kiosk at
[the NW corner of Grant and
[Sutter Streets, in front of
[301 Grant Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 (Vice President Murphy absent) to **UPHOLD** the department and **DENY** the permit with additional findings as stated on the record by Commissioner Chan.

SPEAKERS: Jacob Szeto and Vitaly Troyan, Department of Public Works; Harry O'Brien, attorney for permit holder; Judith Boyajian, Deputy City Attorney; David Reese, Joseph Lameraner, Jacques Janet, Edith McMillan, Peter Lameraner, Edward Lawson, in support of department; and John Barbey, in support of appellant.

APPEAL NO. 95-021

(9)
WILLIAM FOUNDAS, dba "PINECREST RESTAURANT", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 6, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of
[Mason and Geary Streets, in
[front of 401 Geary Street.
[PERMIT NO. 94PSK-005.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion with findings by Commissioner Felzer, the Board voted 4-0 (Vice President Murphy absent) to **OVERRULE** the department and **DENY** the permit.

SPEAKERS: George Kosturas, for appellant; William Foundas, appellant; Edward Lawson, in support of appellant; Jacob Szeto, Department of Public Works; Harry O'Brien, attorney for permit holder; and Bob Plantholt, in support of permit holder.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 8:43 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

S.F.

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 26, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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/95

1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

REQUEST FOR REHEARING:

ITEM A: Letter from Steven L. Vettel, attorney for appellants requesting rehearing of Appeal No. 92-050, 1401 - 1407 Mariposa Street. Permit application to legalize rear cottage as fifth unit on a lot zoned RH-3. Hearing April 5, 1995. Upon motion by Commissioner Bradstreet, the Board voted 3-1 (Commissioner Felzer dissented and Commissioner Chan absent) to **UPHOLD** the department and **DENY** the permit.

APPEAL NO. 95-033

3) STEVEN ERLICH, dba "STEVE'S MOBILE DELI", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of decision on March 3,
[1995, to void the stop at One
[Market Street on Mobile
[Caterer Route #29.
[FOR HEARING TODAY.

APPEAL NO. 95-035

4) NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on February
[27, 1995, to J.C. Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the SW corner of Powell and
[Ellis Streets, in front of
[49 Powell Street.
[PERMIT NO. 94PSK-004.3.
[FOR HEARING TODAY.

APPEAL NO. 95-040

(5) MERRILLS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on March 6,
[1995, to J.C. Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the NW
[corner of Market and Post Streets,
[in front of 600 Market Street.
[PERMIT NO. 94PSK-007.
[FOR HEARING TODAY.

APPEAL NO. V95-020

(6) ENRIQUE RODRIGUEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 7, 1995, of
[Rear Yard and Usable Open Space
[Variances (to allow retention
[of first and second floor decks
[and a stairway running from the
[second floor deck down through
[the first floor deck, then to
[the basement floor deck, all
[constructed without permit at
[the rear of the existing two-story
[over basement, four-family dwell-
[ing) sought for property at
[245 Chenery Street.
[VARIANCE CASE NO. 94.629V.
[FOR HEARING TODAY.

APPEAL NO. 95-036

(7) RICHARD & CONNIE GOODYEAR, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 1, 1995
[that under Planning Code Section
[260 (b)(1)(B) an elevator vestibule
[and shower enclosure at the third
[level exceed the height limit
[and are not permitted obstructions
[above it on the one-family house
[at 940 Green Street.
[APPLICATION NO. 9421173S.
[FOR HEARING TODAY.

APPEAL NO. 95-038

(8) PATRICK MEDIA GROUP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 7, 1995
[that the sign permit application
[for 200-212 Stockton Street was
[approved in error and that the
[Planning Commission must review
[it under Sections 263.8 and 309
[of the Planning Code for authori-
[zation of height above 80 feet
[in the 80-130-F Height and Bulk
[District, and that said application
[is not exempted by provisions
[of the Planning Code for such
[review. (BPA Appeal No. 95-013
[continued to May 10, 1995 to allow
[said review.)
[APPLICATION NO. 9415698.
[FOR HEARING TODAY.

(9) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

Date posted: April 20, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 26, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

6/95

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RESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

oris Levine, the Official Court Reporter, swore in all those who intended to testify uring the meeting.

1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: David Reese expressed his concerns about the design of a kiosk proposed by the J.C. Decaux company and about the emergency buttons proposed for their toilets.

James Hutchinson reported to the Board on two recent enforcement efforts by the Department of Building Inspection involving conditions imposed by the Board.

2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Steven L. Vettel, attorney for appellants requesting rehearing of Appeal No. 92-050, 1401 - 1407 Mariposa Street. Permit application to legalize rear cottage as fifth unit on a lot zoned RH-3. Hearing April 5, 1995. Upon motion by Commissioner Bradstreet, the Board voted 3-1 (Commissioner Felzer dissented and Commissioner Chan absent) to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 4-1 (Commissioner Felzer dissented) to **DENY** the request for rehearing.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Steven Vettel, attorney for appellants; Robert Passmore, Zoning Administrator for Planning Department and Lorraine Thompson, appellant.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

MINUTES OF THE BOARD OF PERMIT APPEALS, APRIL 26, 1995 (cont'd.)

APPEAL NO. 95-033

(3)
STEVEN ERLICH, dba "STEVE'S MOBILE DELI", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of decision on March 3,
[1995, to void the stop at One
[Market Street on Mobile
[Caterer Route #29.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 5-0 to **CONTINUE** the matter to **June 28, 1995** to allow time for the appellant to have parking regulations amended allowing him to park in fro of One Market Street.

SPEAKERS: Alexander Anolik, attorney for appellant; Steven Erlich, appellant; Edi McMillan, in support of appellant; Sergeant William Coggan, S.F.P.D. and Richard Osborne, attorney for Coco Rico Restaurant, in support department.

APPEAL NO. 95-035

(4)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on February
[27, 1995, to J.C. Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the SW corner of Powell and
[Ellis Streets, in front of
[49 Powell Street.
[PERMIT NO. 94PSK-004.3.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 5-0 to **CONTINUE** the matter to **May 24, 1995** to allow for protesters erect a mock up of the proposed kiosk and for Board members and the Mu Cable Car Division to evaluate its affect on the area.

SPEAKERS: Saadat Ahmad, Muni for Bud McNaughton of Cable Car Division; Jacob Szet Department of Public Works; Sue Hestor, attorney for appellant; and Yvon Eder, appellant.

The Board recessed from 7:03 to 7:18 p.m.

APPEAL NO. 95-040

(5)
MERRILLS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on March 6,
[1995, to J.C. Decaux United Stree
[Furniture, permit to install a
[Public Service Kiosk at the NW
[corner of Market and Post Streets
[in front of 600 Market Street.
[PERMIT NO. 94PSK-007.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: David Reese, appellant; Jacob Szeto, Department of Public Works; and Harry O'Brien, attorney for permit holder.

APPEAL NO. V95-020

ENRIQUE RODRIGUEZ, Appellant
6) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 7, 1995, of
[Rear Yard and Usable Open Space
[Variances (to allow retention
[of first and second floor decks
[and a stairway running from the
[second floor deck down through
[the first floor deck, then to
[the basement floor deck, all
[constructed without permit at
[the rear of the existing two-story
[over basement, four-family dwell-
[ing) sought for property at
[245 Chenery Street.
[VARIANCE CASE NO. 94.629V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **CONTINUE** the matter to **May 31, 1995** to allow time for appellant to redesign project with mailed notice of the continued hearing to those neighbors who sent in letters.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Enrique Rodriguez, appellant; and Nils Rosenquest, attorney for appellant.

APPEAL NO. 95-036

RICHARD & CONNIE GOODYEAR, Appellants
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 1, 1995
[that under Planning Code Section
[260 (b)(1)(B) an elevator vestibule
[and shower enclosure at the third
[level exceed the height limit
[and are not permitted obstructions
[above it on the one-family house
[at 940 Green Street.
[APPLICATION NO. 9421173S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the determination and allow the third floor deck enclosure.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; and Richard Goodyear, appellant.

APPEAL NO. 95-038

(8) PATRICK MEDIA GROUP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 7, 1995
[that the sign permit application
[for 200-212 Stockton Street was
[approved in error and that the
[Planning Commission must review
[it under Sections 263.8 and 309
[of the Planning Code for authorization of height above 80 feet
[in the 80-130-F Height and Bulk
[District, and that said application
[is not exempted by provisions
[of the Planning Code for such
[review. (BPA Appeal No. 95-013
[continued to May 10, 1995 to allow
[said review.)
[APPLICATION NO. 9415698.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **May 31, 1995** prior to hearing at the request by Andre Junius, attorney for appellant.

(9) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 8:05 p.m.

Robert H Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Offici Court Reporter, (415) 456-9899.

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 3, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Phuong Nguyen, appellant requesting rehearing of Appeal Nos. 95-026, 1483 Bacon Street and 95-037, 1473 Bacon Street. Hearing date April 5, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to UPHOLD the department and GRANT the permits.

APPEAL NO. 95-003

(3)	CLAUDE & MICHELINE LAMBERT, Appellants vs. DEPT. PUBLIC WORKS, Respondent BUILDING INSPECT. DISAPPROVAL	[Denial on December 30, 1994, by the Bureau of Building Inspection of a hotel conversion application for failure to meet requirement of the Hotel Conversion Ordinance Section 41.13(d) necessary to allow conversion of the Cornell Hotel at 715 Bush Street to full tourist use. [FOR FURTHER HEARING TODAY.

APPEAL NO. 95-012

(4)	S.F. BEAUTIFUL, FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, S.F. TOMORROW, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting reissuance on January 17, 1995, to Louis F. Snyder, permit to Erect a Sign (rooftop Sony Videotron) at 216 Stockton Street. [APPLICATION NO. 9413943. [FOR REHEARING TODAY.

APPEAL NO. 95-042

(5)	RAYMOND GRINSELL, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Imposition of Penalty on March 8, 1995, for work done at 1103 York Street. [APPLICATION NO. 9418286. [FOR HEARING TODAY.

APPEAL NO. 95-043

(6)	TAIT & ASSOCIATES, Appellant vs. DEPT. BLDG. INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on March 10, 1995, of permit to Erect a Sign at 1201 Harrison Street. [APPLICATION NO. 9502535. [FOR HEARING TODAY.

APPEAL NO. V95-041

(7)	GARY & ANNELLE BRICKLEY, Appellants vs. ZONING ADMINISTRATOR, Respondent	[Denial on March 13, 1995, of Variance from Section 136 Obstructions Over Streets and Alleys (to legalize a two-story high bay window addition constructed without benefit of permit at the front of a two-story over garage single family dwelling) sought for property at 78 Montezuma Street. [VARIANCE CASE NO. 94.589V. [FOR HEARING TODAY.

APPEAL NO. V95-044

(9) JOHN JOHNSTON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March
[16, 1995, to Nancy Scheinholtz,
[Front and Rear Yard Variances
[(construct a 6-foot high fence
[with a 10-foot high gate along
[the front property line; expand
[the existing garage structure;
[and construct a new garage struc-
[ture with roof deck adjacent to
[the existing garage structure
[at the rear of the existing
[two-story over basement, single-
[family dwelling) for property
[at 60 McLaren Avenue.
[VARIANCE CASE NO. 94.592V.
[FOR HEARING TODAY.

(10) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: April 27, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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SPECIAL NOTES

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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Dept. 41

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 3, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian and Kate Stacy, Deputy City Attorneys; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Bob Plantholt requested that commissioners not interrupt speakers because many of them are nervous and it causes them to lose their place during the presentation.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Phuong Nguyen, appellant requesting rehearing of Appeal Nos. 95-026, 1483 Bacon Street and 95-037, 1473 Bacon Street. Hearing date April 5, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **DENY** the requests for rehearing. The appellant arrived late and upon motion by Commissioner Bradstreet, the Board voted 5-0 to **RESCIND** the prior motion and allowed the appellant to make her presentation. Then upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the requests for rehearing.

SPEAKERS: James Hutchinson, Senior Building Inspector for Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; Phuong Nguyen, appellant; Mel Lee was present for the permit holder, but did not speak.

APPEAL NO. 95-003

(3)
CLAUDE & MICHELINE LAMBERT,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
BUILDING INSPECT. DISAPPROVAL

[Denial on December 30, 1994,
[by the Bureau of Building
[Inspection of a hotel conversion application for failure
[to meet requirement of the
[Hotel Conversion Ordinance
[Section 41.13(d) necessary to
[allow conversion of the Cornell
[Hotel at 715 Bush Street to full
[tourist use.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 3- (Vice President Murphy excused and Commissioner Felzer dissented) t **UPHOLD** the denial of the hotel conversion application.

SPEAKERS: Andrew Zacks, attorney for appellants; and Kate Stacy, Deputy City Attorney.

APPEAL NO. 95-012

(4)
S.F. BEAUTIFUL, FOUNDATION FOR S.F.
ARCHITECTURAL HERITAGE, S.F. TOMORROW,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting reissuance on
[January 17, 1995, to Louis F.
[Snyder, permit to Erect a
[Sign (rooftop Sony Videotron)
[at 216 Stockton Street.
[APPLICATION NO. 9413943.
[FOR REHEARING TODAY.

ACTION: **RESCHEDULED** to **May 1, 1996** prior to hearing at the request of Michae Burke, attorney for permit holder.

APPEAL NO. 95-042

(5)
RAYMOND GRINSELL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[March 8, 1995, for work done
[at 1103 York Street.
[APPLICATION NO. 9418286.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vot 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty reduced to five times the regular fee for work totalling $950.00.

SPEAKERS: Raymond Grinsell, appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-043

(6)
TAIT & ASSOCIATES, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 10, 1995,
[of permit to Erect a Sign
[at 1201 Harrison Street.
[APPLICATION NO. 9502535.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 3-2 (President Alba and Commissioner Felzer dissented) to **UPHOLD** the department.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Tom Schoenstein, architect for appellant; and Richard Sooy, appellant.

The Board recessed from 7:07 to 7:18 p.m.

APPEAL NO. V95-041

(7)
GARY & ANNELLE BRICKLEY, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 13, 1995,
[of Variance from Section 136
[Obstructions Over Streets and
[Alleys (to legalize a two-story
[high bay window addition con-
[structed without benefit of
[permit at the front of a two-
[story over garage single family
[dwelling) sought for property
[at 78 Montezuma Street.
[VARIANCE CASE NO. 94.589V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the variance with findings as stated in the letter dated April 27, 1995 from C. Jeff Brinton, attorney for appellants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Gary Brickley, appellant; James Hutchinson, Senior Building Inspector for Department of Building Inspection; Judith Boyajian, Deputy City Attorney; and Lee Moulton, architect for appellants.

APPEAL NO. V95-044

(8) JOHN JOHNSTON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March
[16, 1995, to Nancy Scheinholtz,
[Front and Rear Yard Variances
[(construct a 6-foot high fence
[with a 10-foot high gate along
[the front property line; expand
[the existing garage structure;
[and construct a new garage struc-
[ture with roof deck adjacent to
[the existing garage structure
[at the rear of the existing
[two-story over basement, single-
[family dwelling) for property
[at 60 McLaren Avenue.
[VARIANCE CASE NO. 94.592V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 5-0 to **UPHOLD** the department and **GRANT** the variance with **CONDITION** tha the revised plans dated April 10, 1995 are submitted for approval.

SPEAKERS: Wendy Tsuji, architect for appellant; Robert Passmore, Zoning Adminis trator for the Planning Department; and Nancy Scheinholtz, architec for variance holder.

(9) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 9:08 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Offici Court Reporter, (415) 456-9899.

SF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 10, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

10/95

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **REQUEST FOR JURISDICTION:** Letter from Sergio Hernandez, requesting that the Board take jurisdiction over denial of rear yard variance to enclose a third story deck at the rear of a two-story over garage, two unit building at 2735 Bryant Street.

Date of decision	November 8, 1994
Appeal period ended	November 18, 1994
Request for jurisdiction	May 1, 1995

APPEAL NO. 95-047

(3)
DONNA BARNHILL, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent

[Appeal for Refund of Penalty [imposed on March 30, 1995, for [work done at 5333 California St. [PLUMBING PERMIT NO. 330173. [FOR HEARING TODAY.

APPEAL NO. 95-045

(4)
PATRICIA A. McCOLM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on [March 9, 1995, to Richard [Benjamin, permit to Alter [a Building (16-foot tandem [addition to garage) at [77 Westwood Drive. [APPLICATION NO. 9413267. [FOR HEARING TODAY.

APPEAL NO. 95-046

(5)
LAUREN S. WARD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 30, [1995, that the proposed resi- [dential care facility to be [operated by the Progress Foun- [dation for up to 16 adults with [mental disabilities in an RH-2 [district in the existing large [one-family dwelling at 2210 [Clay Street may be approved as [a conditional use by the Planning [Commission. [FOR HEARING TODAY.

APPEAL NO. V95-050

(6)
LARRY A. PAUL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 27, 1995, of [Rear Yard and Open Space Variances [(add a horizontal addition at [the third floor and the rear of [a three story over garage two [family dwelling, removing the [private usable open space for [the upper dwelling unit) sought [for property at 431-431A Colling- [wood Street. [VARIANCE CASE NO. 94.578V. [FOR HEARING TODAY.

(7) **PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.**

Date posted: May 4, 1995

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MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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/10/95

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 10, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Patricia McColm asked the Board to vacate its vote on the Rule amendment for indigency guidelines.

(2) **REQUEST FOR JURISDICTION:** Letter from Sergio Hernandez, requesting that the Board take jurisdiction over denial of rear yard variance to enclose a third story deck at the rear of a two-story over garage, two unit building at 2735 Bryant Street.

Date of decision	November 8, 1994
Appeal period ended	November 18, 1994
Request for jurisdiction	May 1, 1995

ACTION: After discussion, upon motion by President Alba, the Board voted 5-0 to **GRANT** jurisdiction and, if filed, scheduled it for **June 7, 1995.**

SPEAKERS: Sergio Hernandez, requestor; Bruce Dodd, architect; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 95-047

(3)
DONNA BARNHILL, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on March 30, 1995, for
[work done at 5333 California St.
[PLUMBING PERMIT NO. 330173.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF THE CHAIR** for the Department of Building Inspection to notify the contractor and settle the matter.

SPEAKERS: Donna Barnhill, appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-045

(4)
PATRICIA A. McCOLM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[March 9, 1995, to Richard
[Benjamin, permit to Alter
[a Building (16-foot tandem
[addition to garage) at
[77 Westwood Drive.
[APPLICATION NO. 9413267.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the appellant's request for continuance. Then upon motion by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS**.

SPEAKERS: Patricia McColm, appellant; Judith Boyajian, Deputy City Attorney; Robert Passmore, Zoning Administrator for the Planning Department; Richard Benjamin, permit holder; and Anita Theoharis and Joe O'Donoghue, in support of permit holder.

APPEAL NO. 95-046

(5)
LAUREN S. WARD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 30,
[1995, that the proposed resi-
[dential care facility to be
[operated by the Progress Foun-
[dation for up to 16 adults with
[mental disabilities in an RH-2
[district in the existing large
[one-family dwelling at 2210
[Clay Street may be approved as
[a conditional use by the Planning
[Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the determination.

SPEAKERS: Lauren Ward, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Steve Fields, Executive Director for Progress Foundation; Howard Shuman and Nancy Gin, in support of appellant.

The Board rescesed from 8:16 to 8:26 p.m.

APPEAL NO. V95-050

(6) LARRY A. PAUL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 27, 1995, of
[Rear Yard and Open Space Variances
[(add a horizontal addition at
[the third floor and the rear of
[a three story over garage two
[family dwelling, removing the
[private usable open space for
[the upper dwelling unit) sought
[for property at 431-431A Colling-
[wood Street.
[VARIANCE CASE NO. 94.578V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the Zoning Administrator, with findings as submitted by appellant dated May 4, 1995 and to **GRANT** the variance with **CONDITIONS** that the revised plans be submitted, and that the railing for the roof deck shall be made of clear glass.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Larry Paul, architect and appellant; Michael Young and Tom Lamothe, in support of the department.

(7) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 8:49 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

,SF Agenda
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24/95

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 24, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Deanna Drake-Copelan, appellant, requesting rehearing of Appeal No. 95-027, permit to install a public service kiosk at the SW corner of Sutter and Montgomery Streets. Hearing April 5, 1995. Upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Chan dissented) to **OVERRULE** the department and disapprove the permit. Commissioner Felzer said he misunderstood the motion. Commissioner Chan moved that the vote be rescinded and the Board voted 4-1 (President Alba dissented) to rescind. Upon new motion by Vice President Murphy, the Board voted 3-2 (Commissioners Chan and Felzer dissented) to overrule and disapprove the permit. Four votes being necessary to overrule, the permit was **UPHELD**.

ITEM B: Letter from Andrew M. Zacks, attorney for Claude and Micheline Lambert, appellants, requesting rehearing of Appeal No. 95-003, The Cornell Hotel, 715 Bush Street. Hearing May 3, 1995. Upon motion by President Alba, the Board voted 3-1 (Vice President Murphy excused and Commissioner Felzer dissented) to **UPHOLD** the denial of the hotel conversion application.

ITEM C: Letter from Wendy H. Tsuji, architect for appellant, requesting rehearing of Appeal No. V95-044. Hearing May 3, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the variance with **CONDITION** that the revised plans dated April 10, 1995 be submitted for approval.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Robert De Vries, attorney for William Ludan and Kim Stolper, tenants at 1849 Lyon Street, requesting that the Board take jurisdiction over Building Permit Application No. 9419133 to merge dwelling units 2, 3 and 4 and remove kitchens from units 2 and 4, reducing the number of dwelling units from four to two units.

Date issued	December 23, 1994
Appeal period ended	January 9, 1995
Request for jurisdiction	May 15, 1995

CONSIDERATION OF DRAFT LETTER TO SUPERIOR COURT:

ITEM E: Consideration of draft letter by Vice President Murphy to Superior Court in support of developer's motion to Court requesting amendment to Court's order of June 25, 1990 requiring Board to scope an EIR for project at 959 Powell and 8 Wetmore Streets (Appeal Nos. 88-293, 294, 295) before reconsidering the matter.

On November 10, 1993 the Board voted 5-0 to send such a letter of support after taking testimony from the parties.

APPEAL NO. 95-054

(3)
MARK E. HAMPTON, dba "FUN CENTER",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on April 5, 1995, of
[Mechanical Amusement Device
[permit at 1063 Market Street.
[FOR HEARING TODAY.

APPEAL NO. 95-051

(4) DOUGLAS E. DuFRENE, Appellant
vs.
DEPT. BLDG INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 24, 1995, of
[permit to Alter a Building
[(legalize lower apartment) at
[3887-89 20th Street.
[APPLICATION NO. 9503074.
[FOR HEARING TODAY.

APPEAL NO. 95-035

(5) NORTHWEST ASSET MANAGEMENT,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on February
[27, 1995, to J.C. Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the SW corner of Powell and
[Ellis Streets, in front of
[49 Powell Street.
[PERMIT NO. 94PSK-004.3.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-052

(6) WESTCOAST FREEHOLDS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[April 3, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service Kiosk
[in front of 251 Post Street, mid-block, Stockton/Grant Streets,
[south side.
[PERMIT NO. 94PSK-008.
[FOR HEARING TODAY.

(7) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: May 18, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 24, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

24/95

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian and Kate Stacy, Deputy City Attorneys; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: David Reese commented on potential problems with the kiosk/toilet program.

Dan McKenna, Department of Public Works; and Judith Boyajian, Deputy City Attorney.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Deanna Drake-Copelan, appellant, requesting rehearing of Appeal No. 95-027, permit to install a public service kiosk at the SW corner of Sutter and Montgomery Streets. Hearing April 5, 1995. Upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Chan dissented) to **OVERRULE** the department and disapprove the permit. Commissioner Felzer said he misunderstood the motion. Commissioner Chan moved that the vote be rescinded and the Board voted 4-1 (President Alba dissented) to rescind. Upon new motion by Vice President Murphy, the Board voted 3-2 (Commissioners Chan and Felzer dissented) to overrule and disapprove the permit. Four votes being necessary to overrule, the permit was **UPHELD**.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **GRANT** rehearing and scheduled it for hearing on **June 28, 1995**.

SPEAKERS: Sue Hestor, attorney for appellant; Harry O'Brien, attorney for permit holder; and Edith McMillan, in support of appellant.

ITEM B: Letter from Andrew M. Zacks, attorney for Claude and Micheline Lambert, appellants, requesting rehearing of Appeal No. 95-003, The Cornell Hotel, 715 Bush Street. Hearing May 3, 1995. Upon motion by President Alba, the Board voted 3-1 (Vice President Murphy excused and Commissioner Felzer dissented) to **UPHOLD** the denial of the hotel conversion application.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 3-1 (Vice President Murphy excused and Commissioner Felzer dissented) to **DENY** the request for rehearing.

SPEAKERS: Andrew Zacks, attorney for appellants; and Kate Stacy, Deputy City Attorney.

ITEM C: Letter from Wendy H. Tsuji, architect for appellant, requesting rehearing of Appeal No. V95-044. Hearing May 3, 1995. Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the variance with **CONDITION** that the revised plans dated April 10, 1995 be submitted for approval.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **May 31, 1995**. The parties have reached an agreement.

SPEAKERS: Kenneth Katzoff, attorney for appellant; Judith Boyjian, Deputy City Attorney; Nils Rosenquest, attorney for property owner; and Robert Passmore, Zoning Administrator for the Planning Department.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Robert De Vries, attorney for William Ludan and Kim Stolper, tenants at 1849 Lyon Street, requesting that the Board take jurisdiction over Building Permit Application No. 9419133 to merge dwelling units 2, 3 and 4 and remove kitchens from units 2 and 4, reducing the number of dwelling units from four to two units.

Date issued	December 23, 1994
Appeal period ended	January 9, 1995
Request for jurisdiction	May 15, 1995

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: William Luden and Kim Stopler, requestors; Robert De Vries, attorney for requestors; Joseph Breall, attorney for permit holder; and Rene Peinado, permit holder.

CONSIDERATION OF DRAFT LETTER TO SUPERIOR COURT:

ITEM E: Consideration of draft letter by Vice President Murphy to Superior Court in support of developer's motion to Court requesting amendment to Court's order of June 25, 1990 requiring Board to scope an EIR for project at 959 Powell and 8 Wetmore Streets (Appeal Nos. 88-293, 294, 295) before reconsidering the matter.

On November 10, 1993 the Board voted 5-0 to send such a letter of support after taking testimony from the parties.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote 4-1 (Commissioner Felzer dissented) to send the amended letter to Judge Dearman.

SPEAKERS: Sue Hestor, attorney for interested parties; and Michael Burke, attorney for project sponsor.

The Board recessed from 7:08 to 7:23 p.m.

APPEAL NO. 95-054

MARK E. HAMPTON, dba "FUN CENTER", Appellant
(3) vs.
POLICE DEPARTMENT, Respondent

[Denial on April 5, 1995, of
[Mechanical Amusement Device
[permit at 1063 Market Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 3-1 (Vice President Murphy excused and President Alba dissented) to **UPHOLD** the department and **DENY** the permit. Vice President Murphy left the podium during this item and then returned at 9:01 p.m.

SPEAKERS: Sergeants William Coggan and Vincent Simpson, Captain Michael Yalon, Lieutenant Bruce Lorin, S.F.P.D.; Robert Katz, Steve Raymond, Mark Berman, Richard Lane, Albert Sultan, Myron Parness, Edward Lawson, Paul Boschetti, in support of department; Randall Knox and David Williams, attorneys for appellant; George Wailes, in support of appellant; James Hutchinson, Senior Building Inspector for Department of Building Inspection; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 9:00 to 9:12 p.m.

APPEAL NO. 95-051

DOUGLAS E. DuFRENE, Appellant
(4) vs.
DEPT. BLDG INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 24, 1995, of
[permit to Alter a Building
[(legalize lower apartment) at
[3887-89 20th Street.
[APPLICATION NO. 9503074.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings as stated by Vice President Murphy.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Douglas DuFrene, appellant; Chuck Wallen and Mrs. C.B. Bierbaum, in support of appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

MINUTES OF THE BOARD OF PERMIT APPEALS, MAY 24, 1995 (cont'd.)

APPEAL NO. 95-035

(5)

NORTHWEST ASSET MANAGEMENT,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on February
[27, 1995, to J.C. Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the SW corner of Powell and
[Ellis Streets, in front of
[49 Powell Street.
[PERMIT NO. 94PSK-004.3.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote 4-1 (Commissioner Felzer dissented) to **OVERRULE** the department and **DEN** the permit.

SPEAKERS: Sue Hestor, attorney for appellant; Yvonne Eder, appellant; David Reese Donald Silver, Mike Azuzad, Edward Lawson, Steven Lagorce, in suppor of appellant; Dan McKenna, Department of Public Works; Francois Nion permit holder; and Harry O'Brien, attorney for permit holder.

Commissioner Felzer departed at 10:35 p.m.

APPEAL NO. 95-052

(6)

WESTCOAST FREEHOLDS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[April 3, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service Kiosk
[in front of 251 Post Street, mid
[block, Stockton/Grant Streets,
[south side.
[PERMIT NO. 94PSK-008.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 4-0 (Commissioner Felzer absent) to **UPHOLD** the department and **GRANT** t permit.

SPEAKERS: Fiona Fenton, appellant; Edward Lawson and David Reese, in support appellant; Dan McKenna, Department of Public Works; Harry O'Brien, attorney for permit holder; and Francois Nion, permit holder.

(7) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 11:03 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Offici Court Reporter, (415) 456-9899.

SF Agenda

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31/95

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 31, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **REQUEST FOR REHEARING**: Letter from Patricia A. McColm, appellant, requesting rehearing of Appeal No. 95-045, 77 Westwood Drive. Hearing May 10, 1995. Upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the appellant's request for continuance. Then upon motion by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS**.

APPEAL NO. V95-044

(3) JOHN JOHNSTON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March
[16, 1995, to Nancy Scheinholtz,
[Front and Rear Yard Variances
[(construct a 6-foot high fence
[with a 10-foot high gate along
[the front property line; expand
[the existing garage structure;
[and construct a new garage structure with roof deck adjacent to
[the existing garage structure
[at the rear of the existing
[two-story over basement, single-family dwelling) for property
[at 60 McLaren Avenue.
[VARIANCE CASE NO. 94.592V.
[FOR REHEARING TODAY.

APPEAL NO. 95-058

(4) ORLANDO GUZMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[April 28, 1995, for work
[done at 52 Florentine Street.
[APPLICATION NO. 9501294.
[FOR HEARING TODAY.

APPEAL NO. 95-057

(5) LOMBARD PLAZA HOMEOWNERS ASSN., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on April 19,
[1995, to Richard Soo and Kelvin
[Chuen, dba "Rendezvous Club",
[Dance Hall Keeper/Place of
[Entertainment permit at
[1800 Montgomery Street.
[FOR HEARING TODAY.

APPEAL NO. 95-055

(6) VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

DOCUMENTS DEPT.
MAY 26 1995
SAN FRANCISCO
PUBLIC LIBRARY

APPEAL NO. 95-056

(7)
MIDTOWN TERRACE HOMEOWNERS ASSN.,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 14,
[1995, to William Kelleher, permit
[to Erect a Building (two-story
[one-family dwelling) at
[1260 Twin Peaks Blvd.
[APPLICATION NO. 9402147.
[FOR HEARING TODAY.

APPEAL NO. 95-013

(8)
S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[RESOLUTION 288-95 (SIGNED BY MAJOR
[APRIL 28, 1995) PROHIBITS APPROVAL
[OF ROOFTOP BILLBOARDS NEAR UNION
[SQUARE FOR ONE YEAR, WITH CERTAIN
[EXCEPTIONS.
[APPLICATION NO. 9415698.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-038

(9)
PATRICK MEDIA GROUP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 7, 1995
[that the sign permit application
[for 200-212 Stockton Street was
[approved in error and that the
[Planning Commission must review
[it under Sections 263.8 and 309
[of the Planning Code for authori-
[zation of height above 80 feet
[in the 80-130-F Height and Bulk
[District, and that said applicatio
[is not exempted by provisions
[of the Planning Code for such
[review.
[APPLICATION NO. 9415698.
[FOR HEARING TODAY.

(10) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

Date posted: May 25, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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Dept. 41

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 31, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: Patricia McColm made comments relating to her recent appeals and her status as an indigent.

Commissioner Ike Felzer asked for a moment of silence in commemoration of Memorial Day.

(2) **REQUEST FOR REHEARING:** Letter from Patricia A. McColm, appellant, requesting rehearing of Appeal No. 95-045, 77 Westwood Drive. Hearing May 10, 1995. Upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the appellant's request for continuance. Then upon motion by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS**.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the request for rehearing. Vice President Murphy added to the findings by Commissioner Bradstreet, finding that the Board had reviewed the appellant's documents concerning her health problems and had returned them to her without making them a part of the public record.

SPEAKERS: Patricia McColm, appellant; and Richard Benjamin, permit holder.

APPEAL NO. V95-044

(3)
JOHN JOHNSTON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March 16, 1995, to Nancy Scheinholtz, Front and Rear Yard Variances (construct a 6-foot high fence with a 10-foot high gate along the front property line; expand the existing garage structure; and construct a new garage structure with roof deck adjacent to the existing garage structure at the rear of the existing two-story over basement, single-family dwelling) for property at 60 McLaren Avenue.
[VARIANCE CASE NO. 94.592V.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the variance with stipulated conditions.

SPEAKERS: Nils Rosenquest, attorney for property owner; and Michele Benson, attorney for appellant.

APPEAL NO. 95-058

(4)
ORLANDO GUZMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on April 28, 1995, for work done at 52 Florentine Street.
[APPLICATION NO. 9501294.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **June 14, 1995** for the Department of Building Inspection to determine what work was done since the building was purchased by the appellant.

SPEAKERS: Orlando Guzman, appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-057

(5)
LOMBARD PLAZA HOMEOWNERS ASSN., Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on April 19, 1995, to Richard Soo and Kelvin Chuen, dba "Rendezvous Club", Dance Hall Keeper/Place of Entertainment permit at 1800 Montgomery Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **OVERRULE** the department and **DISAPPROVE** the permit.

SPEAKERS: Debra Stein, attorney for appellant; Louise Trickstadt, James Hand, Cathy Swanz, Robert Thompson, Stanley Diamond, Steve Obrensky, Dan Barnes, Terry Anderson, in support of appellant; Sergeant William Coggan and Officer Fred Crisp, S.F.P.D.; and Mark Romero, attorney for permit holders. On a show of hands, it appeared that there were over 100 people present in support of the appeal.

he Board recessed from 7:42 to 7:55 p.m.

APPEAL NO. 95-055

6)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **June 14, 1995** to allow for settlement. Attorneys for parties had telephoned the Board office at 3:30 p.m. to request this rescheduling.

APPEAL NO. 95-056

7)
MIDTOWN TERRACE HOMEOWNERS ASSN.,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 14,
[1995, to William Kelleher, permit
[to Erect a Building (two-story
[one-family dwelling) at
[1260 Twin Peaks Blvd.
[APPLICATION NO. 9402147.
[FOR HEARING TODAY.

ACTION: After discusssion, upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Regina Lee, John Ridenour and Emanuel Jolish, for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Luis Robles, architect for permit holder; James Hutchinson, Senior Building Inspector for Department of Building Inspection; and Joe O'Donoghue, in support of permit holder.

APPEAL NO. 95-013

(8)
S.F. BEAUTIFUL, THE WESTIN ST.
FRANCIS HOTEL, et al., Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[January 25, 1995, to Patrick
[Media Group, permit to Erect
[a Sign (replacement of electric
[single faced roof sign) at
[200 - 212 Stockton Street.
[RESOLUTION 288-95 (SIGNED BY MAJOR
[APRIL 28, 1995) PROHIBITS APPROVAL
[OF ROOFTOP BILLBOARDS NEAR UNION
[SQUARE FOR ONE YEAR, WITH CERTAIN
[EXCEPTIONS.
[APPLICATION NO. 9415698.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Vice President Murphy, the Board voted 4-0 (Commissioner Bradstreet excused) to **CONTINUE** the matter to **May 1, 1996**.

SPEAKERS: Sue Hestor, attorney for appellants; and Andrew Junius, attorney for permit holder.

APPEAL NO. 95-038

(9)
PATRICK MEDIA GROUP, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated March 7, 1995
[that the sign permit application
[for 200-212 Stockton Street was
[approved in error and that the
[Planning Commission must review
[it under Sections 263.8 and 309
[of the Planning Code for authorization of height above 80 feet
[in the 80-130-F Height and Bulk
[District, and that said application
[is not exempted by provisions
[of the Planning Code for such
[review.
[APPLICATION NO. 9415698.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Andrew Junius, attorney for appellant.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 9:27 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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7/95

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 7, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Lauren S. Ward, appellant, requesting rehearing of Appeal No. 95-046. Hearing May 10, 1995. Upon motion by Vice President Murphy, the Board voted 5-0 to UPHOLD the determination that the proposed residential care facility to be operated by the Progress Foundation for up to 16 adults with mental disabilities in an RH-2 district in the existing large one-family dwelling at 2210 Clay Street may be approved as a conditional use by the Planning Commission without an institutional master plan.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Donald J. Putterman, attorney for Victor Chun, requesting that the Board take jurisdiction over Public Pay Toilet Permit No. 94PT-002, to install a public pay toilet at the SW corner of Clement Street and 6th Avenue.

Date issued	November 9, 1994
Appeal period ended	November 28, 1994
Request for jurisdiction	May 23, 1995

APPEAL NO. 95-060

(3)
PETER LYNCH, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[April 19, 1995, for work
[done at 473-475 14th Street.
[APPLICATION NO. 9501535.
[FOR HEARING TODAY.

APPEAL NO. 95-062

(4)
WALLACE MOK, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 4, 1995, for work done
[at 46 Florentine Street.
[APPLICATION NO. 9502174.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

APPEAL NO. 95-048

(5A)
SERGIO HERNANDEZ, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 21, 1995, of
[permit to Alter a Building
[(enclose existing deck, frame
[three walls and ceiling, install
[windows) at 2735 Bryant Street.
[APPLICATION NO. 9402422.
[FOR HEARING TODAY.

APPEAL NO. V95-069

(5B)
SERGIO HERNANDEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 8, 1994, of
[Rear Yard Variance (to enclose
[a third story deck at the rear
[of a two story over garage, two
[unit building) for property
[at 2735 Bryant Street.
[VARIANCE CASE NO. 94.451V.
[FOR HEARING TODAY.

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APPEAL NO. 95-031

(6) SHELDON MILSTEIN, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 13,
[1995, to Ronald Somers, permit
[to Alter a Building (vertical
[addition to existing two-unit
[building) at 1341 Bay Street.
[APPLICATION NO. 9304952S.
[FOR HEARING TODAY.

APPEAL NO. 95-034

(7) MARVIN BANKS, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[27, 1995, to Thomas Connolly,
[permit to Alter a Building (remodel
[first floor entry and kitchen;
[repair existing deck; enclose
[garage; add second floor with
[stairs to include bedroom, bedroom
[suite, two baths; and balconies
[at front and rear) at 142 Bonview
[Street.
[APPLICATION NO. 9403756.
[FOR HEARING TODAY.

APPEAL NO. V95-061

(8) DAVID & SYLVINE JEROME, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front
[Setback and Rear Yard Variances
[(to provide an enclosed parking
[space with a second floor work
[and storage area instead of an
[opened parking space immediately
[north of the existing dwelling)
[for property at 576 Eureka Street
[and 4250 - 23rd Street.
[VARIANCE CASE NO. 95.080V.
[FOR HEARING TODAY.

APPEAL NO. 95-064

(9) 278 POST STREET PARTNERSHIP,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to
[to R.K. Stewart, A.I.A., of
[Gensler and Associates, Archi-
[tects by the Zoning Administrator
[dated April 24, 1995 that the
[subject work proposed for the
[building at 278 Post Street, a
[Category I Preservation Building
[pursuant to Section 1111.1 of
[the Planning Code, is a MINOR
[ALTERATION.
[FOR HEARING TODAY.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: June 1, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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SPECIAL NOTES

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

S F.

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 7, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

/95

RESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Patricia Vaughey reported on crime prevention efforts by neighborhood associations in the Marina and Cow Hollow areas.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Lauren S. Ward, appellant, requesting rehearing of Appeal No. 95-046. Hearing May 10, 1995. Upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the determination that the proposed residential care facility to be operated by the Progress Foundation for up to 16 adults with mental disabilities in an RH-2 district in the existing large one-family dwelling at 2210 Clay Street may be approved as a conditional use by the Planning Commission without an institutional master plan.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Lauren Ward, appellant; Dr. John Nickness, Progress Foundation; and Robert Passmore, Zoning Administrator for the Planning Department.

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REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Donald J. Putterman, attorney for Victor Chun, requesting tha the Board take jurisdiction over Public Pay Toilet Permit No. 94PT-002, to instal a public pay toilet at the SW corner of Clement Street and 6th Avenue.

Date issued	November 9, 1994
Appeal period ended	November 28, 1994
Request for jurisdiction	May 23, 1995

ACTION: After discussion, upon motion by President Alba, the Board voted 5- to **GRANT** jurisdiction. Mr. Chun has fifteen days to file an appeal.

SPEAKERS: Donald Putterman, attorney for requestor; Dan McKenna, Department o Public Works; Larry Shih, Mrs. Ho, Peter Yu, in support of request; Victo Chun, requestor; and Francois Nion, permit holder.

APPEAL NO. 95-060

PETER LYNCH, Appellant
(3) vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[April 19, 1995, for work
[done at 473-475 14th Street.
[APPLICATION NO. 9501535.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 3-2 (President Alba and Commissioner Bradstreet dissented) to overrul the department with the condition that the penalty be reduced to tw times the regular fee of $635.58 for a total of $1,271.16. Four vote are needed and the motion failed. Then upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with the **CONDITI** that the penalty be reduced to four times the regular fee of $635. for a total of $2,542.32.

SPEAKERS: Peter Lynch, appellant; Joan MacQuarrie, Senior Building Inspector f Department of Building Inspection; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 95-062

WALLACE MOK, Appellant
(4) vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[May 4, 1995, for work done
[at 46 Florentine Street.
[APPLICATION NO. 9502174.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 5-0 to **OVERRULE** the departmennt with the **CONDITION** that the penalty reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: Wallace Mok, appellant; and Joan MacQuarrie, Senior Building Inspector for Department of Building Inspection.

The Board recessed from 7:01 to 7:18 p.m.

Items (5A) and (5B) were heard together

APPEAL NO. 95-048

(5A)
SERGIO HERNANDEZ, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 21, 1995, of
[permit to Alter a Building
[(enclose existing deck, frame
[three walls and ceiling, install
[windows) at 2735 Bryant Street.
[APPLICATION NO. 9402422.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Vice President Murphy dissented) to **OVERRULE** the department and **GRANT** the permit with findings by Commissioners Bradstreet and Felzer.

APPEAL NO. V95-069

(5B)
SERGIO HERNANDEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on November 8, 1994, of
[Rear Yard Variance (to enclose
[a third story deck at the rear
[of a two story over garage, two
[unit building) for property
[at 2735 Bryant Street.
[VARIANCE CASE NO. 94.451V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Baord voted 4-1 (Vice President Murphy dissented) to **OVERRULE** the department and **GRANT** the variance with findings by Commissioners Bradstreet and Felzer.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; and Bruce Dodd, architect for appellant.

APPEAL NO. 95-031

(6)
SHELDON MILSTEIN, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 13,
[1995, to Ronald Somers, permit
[to Alter a Building (vertical
[addition to existing two-unit
[building) at 1341 Bay Street.
[APPLICATION NO. 9304952S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Roselynn Milstein, for appellant; Sheldon Milstein, appellant; and John McInerney, attorney for permit holder.

APPEAL NO. 95-034

(7)
MARVIN BANKS, Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[27, 1995, to Thomas Connolly,
[permit to Alter a Building (remodel
[first floor entry and kitchen;
[repair existing deck; enclose
[garage; add second floor with
[stairs to include bedroom, bedroom
[suite, two baths; and balconies
[at front and rear) at 142 Bonview
[Street.
[APPLICATION NO. 9403756.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the revised plans.

SPEAKERS: Vanessa Davenport, attorney for appellant; Marvin Banks, appellant; Rober Passmore, Zoning Administrator for the Planning Department; and Thomas Connolly, permit holder.

APPEAL NO. V95-061

(8)
DAVID & SYLVINE JEROME, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front
[Setback and Rear Yard Variances
[(to provide an enclosed parking
[space with a second floor work
[and storage area instead of an
[opened parking space immediately
[north of the existing dwelling)
[for property at 576 Eureka Street
[and 4250 - 23rd Street.
[VARIANCE CASE NO. 95.080V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote 5-0 to **UPHOLD** the variance and the Zoning Administrator's findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Pau and Helen Garvey, Carl Friedman, Loren Bailik, Veronica Bayduza, Joh Barrell and William Mandel, in support of the Zoning Administrator; an Sylvine and David Jerome, appellants.

APPEAL NO. 95-064

(9)
278 POST STREET PARTNERSHIP,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to
[to R.K. Stewart, A.I.A., of
[Gensler and Associates, Archi-
[tects by the Zoning Administrator
[dated April 24, 1995 that the
[subject work proposed for the
[building at 278 Post Street, a
[Category I Preservation Building
[pursuant to Section 1111.1 of
[the Planning Code, is a MINOR
[ALTERATION.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** at hearing by J. Wesley Skow, attorney for appellant.

(10) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer closed the meeting in memory of those who lost their lives at the battle of Normandy.

There being no further business, President Alba adjourned the meeting at 9:13 p.m.

Robert H Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 14, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. 95-058

(2)
ORLANDO GUZMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[April 28, 1995, for work
[done at 52 Florentine Street.
[APPLICATION NO. 9501294.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-055

(3)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

APPEAL NO. V95-065

(4)
CHARLES C. KRIDLER, et al.,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 28,
[1995, to Patrick and Martha Joy,
[Front Setback Variance (to build
[two two-unit dwellings that will
[encroach with the required 15
[foot front setback) for property
[at 3933 - 19th Street.
[VARIANCE CASE NO. 94.434V.
[FOR HEARING TODAY.

APPEAL NO. 95-066

(5)
ELAINE CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 27,
[1995, to Peter and Tami Au, permit to Alter a Building (legalize
[patio at rear of existing building,
[extend two rooms below and install
[gas furnace) at 471 - 16th Avenue.
[APPLICATION NO. 9500217.
[FOR HEARING TODAY.

APPEAL NO. 95-067

(6)
LUIS KEMNITZER & BARBARA GARCIA,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 27,
[1995, to Edward Lita and Ludmila
[Breyburg, permit to Erect a Building (three-story, two-family
[dwelling at 3688 Anza Street.
[APPLICATION NO. 9322360S.
[FOR HEARING TODAY.

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Items (7A) and (7B) shall be heard together

APPEAL NO. 95-070

(7A) ROBERT J. FLYNN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 10, 1995, to Laleh Farr permit to Alter a Building (relocate house on lot, raise and shore house on new foundation, construct new family room, bedroom and bath at ground floor) at 865 Wisconsin Street.
[APPLICATION NO. 9016979S.
[FOR HEARING TODAY.

APPEAL NO. 95-072

(7B) JUDITH L. BAER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 10, 1995, to Laleh Farr, permit to Alter a Building (relocate house on lot, raise and shore house on new foundation, construct new family room, bedroom and bath at ground floor) at 865 Wisconsin Street.
[APPLICATION NO. 9016979S.
[FOR HEARING TODAY.

(8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: June 8, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 14, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

The Executive Director swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan on proposed Charter language about the Board of Permit Appeals.

APPEAL NO. 95-058

(2)
ORLANDO GUZMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[April 28, 1995, for work
[done at 52 Florentine Street.
[APPLICATION NO. 9501294.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 (Commissioner Bradstreet absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $378.30 for a total of $1,513.20.

SPEAKERS: James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Orlando Guzman, appellant.

APPEAL NO. 95-055

(3)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to **June 28, 1995** at request of the parties.

APPEAL NO. V95-065

CHARLES C. KRIDLER, et al.,
Appellants
(4) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on April 28,
[1995, to Patrick and Martha Joy,
[Front Setback Variance (to build
[two two-unit dwellings one of
[which will encroach within the
[required 15 foot front setback)
[for property at 3933 - 19th Street
[VARIANCE CASE NO. 94.434V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 5-0 to **UPHOLD** the variance with the Zoning Administrator's findings an conditions.

SPEAKERS: Charles Kridler, appellant; Carol Mowbray and Jeffrey Wong, in suppor of appellant; Robert Passmore, Zoning Administrator for the Plannin Department; and Gary Gee, architect for variance holders.

APPEAL NO. 95-066

ELAINE CHAN, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 27,
[1995, to Peter and Tami Au, per-
[mit to Alter a Building (legalize
[patio at rear of existing buildin
[extend two rooms below and instal
[gas furnace) at 471 - 16th Avenue.
[APPLICATION NO. 9500217.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRA** the permit with the following **CONDITIONS:** (1) no less than six fo setback; (2) roof must be sloped more than 45°; (3) covering shall plastic that will not bear the weight of a human being or no coveri at all permitted (must satisfy Department of Building Inspection).

SPEAKERS: Elaine Chan, appellant; Richard Hamm, attorney for permit holders; Jam Hutchinson, Senior Building Inspector for the Department of Buildi Inspection; and Tami Au, permit holder.

The Board recessed from 6:59 to 7:14 p.m.

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/28/95

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 28, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 14, 1995 (cont'd.)

APPEAL NO. 95-067

(6)
LUIS KEMNITZER & BARBARA GARCIA, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 27, 1995, to Edward Lita and Ludmila Breyburg, permit to Erect a Building (three-story, two-family dwelling) at 3688 Anza Street.
[APPLICATION NO. 9322360S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Luis Kemnitzer and Barbara Garcia, appellants; Thomas Jobs, Michael Mullertz, Edith McMillan, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; Nils Rosenquest, attorney for permit holders; and Bruce Baumann, architect for permit holders.

Items (7A) and (7B) were heard together

APPEAL NO. 95-070

(7A)
ROBERT J. FLYNN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 10, 1995, to Laleh Farr permit to Alter a Building (relocate house on lot, raise and shore house on new foundation, construct new family room, bedroom and bath at ground floor) at 865 Wisconsin Street.
[APPLICATION NO. 9016979S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** after hearing by stipulated agreement.

APPEAL NO. 95-072

(7B)
JUDITH L. BAER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 10, 1995, to Laleh Farr, permit to Alter a Building (relocate house on lot, raise and shore house on new foundation, construct new family room, bedroom and bath at ground floor) at 865 Wisconsin Street.
[APPLICATION NO. 9016979S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the new guardrails around the permit holder's entire deck shall be as follows: a metal tube approximately 1-1/2" in diameter shall be used as a top rail at a height of 36" above the deck surface and cables approximately 1/8" in diameter, running parallel to the top rail, spaced at 4" on center, shall be used as intermediate rails beneath the top rail.

SPEAKERS: Robert J. Flynn, appellant; Allan Levy, agent/architect for appellants; Anna Shimko, attorney for permit holder; William Walters, architect for permit holder; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Planning Department.

(8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 8:58 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Officia Court Reporter, (415) 456-9899.

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/28/95

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 28, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **ADOPTION OF FINDINGS:** Appeal No. 95-046. Hearing May 10, 1995. Upon motion by Vice President Murphy, the Board voted 5-0 to UPHOLD the determination that the proposed residential care facility to be operated by the Progress Foundation for up to 16 adults with mental disabilities in an RH-2 district in the existing large one-family dwelling at 2210 Clay Street may be approved as a conditional use by the Planning Commission without an institutional master plan.

APPEAL NO. 95-027

(3)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 17, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of Sutter
[and Montgomery Streets, in front
[of 111 Sutter Street.
[PERMIT NO. 94PSK-004.2.
[FOR REHEARING TODAY.

APPEAL NO. 95-055

(4)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

APPEAL NO. 95-059

(5)
MARCELLO IACOMINI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 3, 1995, of permit
[to Erect a Building (two-story,
[single-family dwelling) at
[36 Edgehill Way.
[APPLICATION NO. 9419444S.
[FOR HEARING TODAY.

APPEAL NO. 95-071

(6)
ADA S.Y. TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 5,
[1995, to Nancy Snyderman, permit
[to Alter a Building (erect lattice
[screen on property line at S.E.
[corner of building between wall
[and stair at front of home) at
[2320 Vallejo Street.
[APPLICATION NO. 9506603.
[FOR HEARING TODAY.

APPEAL NO. V95-053

(7)	RONALD GEIKOW, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Denial on April 6, 1995, of [Off-Street Parking Variance [(allow retention of a second [dwelling unit that was constructed without record of a [permit, behind the garage of [the existing one-story-over-[garage, single-family dwelling; [the subject building has two [existing dwelling units; however, the legal occupancy is [only one dwelling unit) at [4046 - 26th Street. [VARIANCE NO. 95.085V. [FOR HEARING TODAY.

(8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: June 22, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 28, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Alba, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Vice President Mary Murphy.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: Ike Felzer reported that his wife was the senior valedictorian for Washington High School in 1945 and was present at the founding of the United Nations, and that he and she attended the 50th anniversary celebration of the United Nations on Monday.

David Reese commented on problems with the JC Decaux kiosks and existing newspaper stands. He was referred to the Department of Public Works for answers to his concerns.

(2) **ADOPTION OF FINDINGS:** Appeal No. 95-046. Hearing May 10, 1995. Upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the determination that the proposed residential care facility to be operated by the Progress Foundation for up to 16 adults with mental disabilities in an RH-2 district in the existing large one-family dwelling at 2210 Clay Street may be approved as a conditional use by the Planning Commission without an institutional master plan.

ACTION: Upon motion by Commissioner Bradstreet, the Board voted 4-0 to **ADOPT** findings as submitted by the City Attorney's Office.

SPEAKERS: None.

APPEAL NO. 95-027

(3)
NORTHWEST ASSET MANAGEMENT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[February 17, 1995, to J.C. Decaux
[United Street Furniture, permit
[to install a Public Service
[Kiosk at the SW corner of Sutter
[and Montgomery Streets, in front
[of 111 Sutter Street.
[PERMIT NO. 94PSK-004.2.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 2- (Commissioners Chan and Felzer dissented) to overrule the departmer and deny the permit. Four votes are needed and the motion failed. The upon motion by Commissioner Chan, the Board voted 2-2 (President Alt and Commissioner Bradstreet dissented) to grant the permit with the cor dition that in the event placement of the kiosk precludes listing tl building on the National Historic Registry and receipt of rehabilitatic tax credit, the kiosk shall be relocated to an alternate site. Fou votes are needed to impose conditions and the permit is **GRANTED** wi **NO CONDITIONS.**

SPEAKERS: Sue Hestor, attorney for appellant; Gertrude Platt and David Bahlmar in support of appellant; Vitaly Troyan, Department of Public Works; Judi Boyajian, Deputy City Attorney; Harry O'Brien, attorney for permit holde and Michael Corbett, for permit holder.

APPEAL NO. 95-055

(4)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **July 12, 1995** at request of the parties.

APPEAL NO. 95-059

(5)
MARCELLO IACOMINI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 3, 1995, of permit
[to Erect a Building (two-story,
[single-family dwelling) at
[36 Edgehill Way.
[APPLICATION NO. 9419444S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vot 4-0 to **OVERRULE** the department and **GRANT** the permit with findings Commissioners Felzer and Bradstreet.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Bud Wilson and Kathy Darby, in support of department; William Holland, architect for appellant; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 7:18 to 7:32 p.m.

APPEAL NO. 95-071

(6)
ADA S.Y. TOM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on May 5,
[1995, to Nancy Snyderman, permit
[to Alter a Building (erect lattice
[screen on property line at S.E.
[corner of building between wall
[and stair at front of home) at
[2320 Vallejo Street.
[APPLICATION NO. 9506603.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: James Allen, attorney for appellant; Ada S.Y. Tom, appellant; Nancy Snyderman, permit holder; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; and Robert Fan, for appellant.

APPEAL NO. V95-053

(7)
RONALD GEIKOW, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on April 6, 1995, of
[Off-Street Parking Variance
[(allow retention of a second
[dwelling unit that was con-
[structed without record of a
[permit, behind the garage of
[the existing one-story-over-
[garage, single-family dwelling;
[the subject building has two
[existing dwelling units; how-
[ever, the legal occupancy is
[only one dwelling unit) at
[4046 - 26th Street.
[VARIANCE NO. 95.085V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 4-0 to **OVERRULE** the Zoning Administrator with findings and **GRANT** the variance with the **CONDITION** that the unit complies with the Planning Code, if applicable, and the Building Code.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Ronald Geikow, appellant; Judith Boyajian, Deputy City Attorney; and James Hutchinson, Senior Building Inspector for Bureau of Building Inspection.

MINUTES OF THE BOARD OF PERMIT APPEALS, JUNE 28, 1995 (cont'd.)

(8) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 8:23 p.m.

Robt H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Officia
Court Reporter, (415) 456-9899.

S.F.

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 12, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. V95-020

ENRIQUE RODRIGUEZ, Appellant
2) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 7, 1995, of
[Rear Yard and Usable Open Space
[Variances (to allow retention
[of first and second floor decks
[and a stairway running from the
[second floor deck down through
[the first floor deck, then to
[the basement floor deck, all
[constructed without permit at
[the rear of the existing two-story
[over basement, four-family dwell-
[ing) sought for property at
[245 Chenery Street.
[VARIANCE CASE NO. 94.629V.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-073

SAFEWAY, INC., Appellant
3) vs.
DEPT. BUILDING INSPECTION, Respondent
PUBLIC HEALTH DISAPPROVAL

[Disapproval on May 19, 1995,
[by the Bureau of Environmental
[Health Management, Department
[of Public Health, of Building
[Department Certificate of Final
[Completion for use of hood and
[related equipment in deli section
[of the food market at 1355 Webster
[Street for failure to install
[floor drains.
[APPLICATION NO. 9415748.
[FOR HEARING TODAY.

APPEAL NO. 95-055

VIOLET REILLY, Appellant
4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

APPEAL NO. 95-074

MICHAEL SWEETOW, Appellant
5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11,
[1995, to Wing-Ho Chu, permit
[to Alter a Building (vertical
[addition with three bedrooms)
[at 145 Vasquez Street.
[**APPLICATION NO. 9421423S.**
[FOR HEARING TODAY.

6) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

ate posted: July 6, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 12, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Barry Pearl, Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: President Wayne Alba.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. V95-020

(2)
ENRIQUE RODRIGUEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 7, 1995, of
[Rear Yard and Usable Open Space
[Variances (to allow retention
[of first and second floor decks
[and a stairway running from the
[second floor deck down through
[the first floor deck, then to
[the basement floor deck, all
[constructed without permit at
[the rear of the existing two-story
[over basement, four-family dwell-
[ing) sought for property at
[245 Chenery Street.
[VARIANCE CASE NO. 94.629V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the variance with additional findings by Vice President Murphy on **CONDITION** that the modified plans substituted for the original plans shall be approved by the Department of Building Inspection and the Planning Department, and that a copy of the revised plans shall be sent by the appellant to Phyllis Kaplan, Ph.D. at 243 Chenery Street.

SPEAKERS: Enrique Rodriguez, appellant; Barry Pearl, Planner for the Planning De
partment; James Hutchinson, Senior Building Inspector for the Bure
of Building Inspection; and Michael Ballingal, husband of Dr. Kapla
in support of the department.

APPEAL NO. 95-073

(3)
SAFEWAY, INC., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PUBLIC HEALTH DISAPPROVAL

[Disapproval on May 19, 1995,
[by the Bureau of Environmental
[Health Management, Department
[of Public Health, of Building
[Department Certificate of Final
[Completion for use of hood and
[related equipment in deli section
[of the food market at 1355 Webste
[Street for failure to install
[floor drains.
[APPLICATION NO. 9415748.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote
2-1 (Vice President Murphy excused because of conflict of interest a
Commissioner Felzer dissented) to **CONTINUE** the matter to **August 9, 19**
for a four member Board.

SPEAKERS: John Breslin and Ken Sato, Department of Public Health; James Hutchinso
Senior Building Inspector for the Department of Building Inspectio
Thomas Lehane and Dennis King, Plumbing Division; Charles Stoffers a
Jim Wick, attorney, for Safeway; and Judith Boyajian, Deputy City Atto
ney.

APPEAL NO. 95-055

(4)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote
4-0 to **CONTINUE** the matter to **July 19, 1995** for the parties to rea
a final settlement.

SPEAKERS: David Cincotta, attorney for appellant; Barry Pearl, Planner for t
Planning Department; Claire Pilcher, attorney for the neighbors; a
Abbie Airo and Frank McLaughlin, in support of the department.

The Board recessed from 6:55 to 7:15 p.m.

APPEAL NO. 95-074

(5) MICHAEL SWEETOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11,
[1995, to Wing-Ho Chu, permit
[to Alter a Building (vertical
[addition with three bedrooms)
[at 145 Vasquez Street.
[APPLICATION NO. 9421423S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: James Linebarger, architect for appellant; Sandra Vivanco, architect for permit holder; and Wing-Ho Chu, permit holder.

(6) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Murphy adjourned the meeting at 7:43 p.m.

Robert H.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 19, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. 95-055

(2)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-079

(3)
HEATH PLUMBING & FIRE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 1, 1995, for
[work done at 530 Bush Street.
[PLUMBING PERMIT NO. 331500.
[FOR HEARING TODAY.

APPEAL NO. 95-082

(4)
STEVEN D. IBARRA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 8, 1995, for
[work done at 19 Rutledge Street.
[APPLICATION NO. 9418982.
[FOR HEARING TODAY.

APPEAL NO. 95-083

(5)
ANATOLY PORTNOY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 13, 1995, for
[work done at 2515 - 2527
[Sacramento Street.
[APPLICATION NO. 9309578S.
[FOR HEARING TODAY.

APPEAL NO. 95-078

(6)
NATIONAL PARK SERVICE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 18,
[1995, to JC Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the NW corner of Hyde and
[Beach Streets.
[PERMIT NO. 94PSK-009.1.
[FOR HEARING TODAY.

APPEAL NO. 95-063

(7)	FOUNDATION FOR S.F. ARCHITECTURAL HERITAGE, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Determination addressed to [to R.K. Stewart, A.I.A., of [Gensler and Associates, Architects by the Zoning Administrator [dated April 24, 1995 that the [subject work proposed for the [building at 278 Post Street, a [Category I Preservation Building [pursuant to Section 1111.1 of [the Planning Code, is a MINOR [ALTERATION. [FOR HEARING TODAY.

(8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: July 13, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

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The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

Jennifer Schuler
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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 19, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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RESENT: Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Barry Pearl, Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

BSENT: President Wayne Alba.

oris Levine, the Official Court Reporter, swore in all those who intended to testify uring the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 95-055

(2)
VIOLET REILLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on April 24, 1995, of
[permit to Alter a Building
[(erect two rear decks, construct
[inside stairs, remove old outside
[stairs, install new door at upper
[deck) at 7 Kronquist Court.
[APPLICATION NO. 9411004.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with the **CONDITION** that the plans be revised to show deck modified to 8' 9" wide.

SPEAKERS: David Cincotta, attorney for appellant; Violet Reilly, appellant; Claire Pilcher, attorney for neighbors; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-079

HEATH PLUMBING & FIRE, Appellant
(3) vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 1, 1995, for
[work done at 530 Bush Street.
[PLUMBING PERMIT NO. 331500.
[FOR HEARING TODAY.

ACTION: **ADMINISTRATIVELY WITHDRAWN** prior to hearing per James Hutchinson, Senior Building Inspector for the Department of Building Inspection. Upon motion by Commissioner Felzer, the Board voted 4-0 to **REFUND** the appeal fee to the appellant for the reason that the Department had imposed the penalty in error and fairness requires the City to return the fee.

SPEAKER: James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-082

STEVEN D. IBARRA, Appellant
(4) vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 8, 1995, for
[work done at 19 Rutledge Street.
[APPLICATION NO. 9418982.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $150.80 for a total of $603.20.

SPEAKERS: Steven Ibarra, appellant; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-083

ANATOLY PORTNOY, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 13, 1995, for
[work done at 2515 - 2527
[Sacramento Street.
[APPLICATION NO. 9309578S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to six times the regular fee of $939.90 for a total $5,639.40.

SPEAKERS: Marsha Portnoy, for appellant; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-078

6) NATIONAL PARK SERVICE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 18,
[1995, to JC Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the NW corner of Hyde and
[Beach Streets.
[PERMIT NO. 94PSK-009.1.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 3-1 (Commissioner Felzer dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Commissioner Bradstreet, the Board voted 2-2 (Commissioners Chan and Felzer dissented) to rescind the previous motion and to continue this matter to the next scheduled meeting of the Board. Three votes being needed, this motion failed. The permit is **UPHELD**.

SPEAKERS: Neil Chaitin, Michael Morelli and John Cunnane, for appellant; David Reese, James Mallard, Edith McMillan, and Bill Thomas and Stephen Canright, S.F. Maritime Park, in support of appellant; Vitaly Troyan, Department of Public Works; Nancy Kitz, Supervisor Kaufman's aide; and Harry O'Brien, attorney for permit holder.

he Board recessed from 7:23 to 7:44 p.m.

APPEAL NO. 95-063

7) FOUNDATION FOR S.F. ARCHITECTURAL
HERITAGE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to
[to R.K. Stewart, A.I.A., of
[Gensler and Associates, Archi-
[tects by the Zoning Administrator
[dated April 24, 1995 that the
[subject work proposed for the
[building at 278 Post Street, a
[Category I Preservation Building
[pursuant to Section 1111.1 of
[the Planning Code, is a MINOR
[ALTERATION.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by David A. Bahlman, Foundation for S.F. Architectural Heritage.

8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

MINUTES OF THE BOARD OF PERMIT APPEALS, JULY 19, 1995 (cont'd.)

There being no further business, Vice President Murphy adjourned the meeting at 8:17 a.m.

Robert H Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 9, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Ray Santiago, requesting that the Board take jurisdiction over Building Permit Application No. 9504425 for remodel and renovation of kitchen, bedrooms and three bathrooms, installation of new metal fireplace and replacement of existing garage door at 2231 Franklin Street.

Date issued	June 6, 1995
Appeal period ended	June 21, 1995
Request for jurisdiction	July 25, 1995

REQUEST FOR REHEARING:

ITEM B: Letter from the National Park Service, appellant requesting rehearing of Appeal No. 95-078, public service kiosk at the NW corner of Hyde and Beach Streets. Hearing July 19, 1995. Upon motion by Vice President Murphy, the Board voted 3-1 (Commissioner Felzer dissented and President Alba absent) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Commissioner Bradstreet, the Board voted 2-2 (Commissioners Chan and Felzer dissented and President Alba absent) to rescind the previous motion and to continue this matter to the next scheduled meeting of the Board. Three votes being needed, this motion failed. The permit is **UPHELD**.

REQUEST FOR JURISDICTION OVER DECISION OF POLICE COMMISSION RESOLUTION NO. 102-95

ITEM C: Letter from Mark Gruberg of the United Taxicab Workers, requesting that the Board take jurisdiction over Police Commission decision to approve transfer of stock shares of Veterans Taxicab Company in excess of the ten percent threshhold discussed in the City Charter

APPEAL NO. 95-085

(3)
MOON S. FONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 23, 1995, for
[work done at 1233 Taylor Street.
[APPLICATION NO. 9506130.
[FOR HEARING TODAY.

APPEAL NO. 95-086

(4)
GIA D. NGUYEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 26, 1995, for work
[done at 11 Athens Street.
[APPLICATION NO. 9414648.
[FOR HEARING TODAY.

APPEAL NO. 95-087

(5)
RICHARD CHEUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 27, 1995, for
[work done at 3501 Noriega Street.
[APPLICATION NO. 9403734.
[FOR HEARING TODAY.

APPEAL NO. 95-090

(6)
HAPPY KILOWATT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 30, 1995, for
[work done at 1225 Sixth Street.
[ELECTRICAL PERMIT NO. 141188.
[FOR HEARING TODAY.

APPEAL NO. 95-049

(7)
DEBORAH & ROBERT DUPIRE-NELSON,
Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1995, of
[permit to Alter a Building
[(addition at kitchen and floor
[above; miscellaneous interior
[remodeling) at 3840 Clay Street.
[APPLICATION NO. 9401679.
[FOR HEARING TODAY.

APPEAL NO. 95-097

(8)
DIAMOND HEIGHTS SHOPPING CENTER,
Appellant
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 12, 1995, of
[permit for a shopping center
[sign at 5260-90 Diamond Heights
[Blvd. for failure to comply with
[Planning Code Section 607.1(f)2e.
[APPLICATION NO. 9503078.
[FOR HEARING TODAY.

APPEAL NO. 95-084

(9)
NISSIM NINIO, FRANCO DE PALO,
JOHN GARDINER, LINDA KAZARES,
& MARK MINER, Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 16,
[1995, to Scott Pelichoff (new
[owner Patrick McNerney), permit
[to Erect a Building (one live-
[work unit over commercial space)
[at 635 Third Street.
[APPLICATION NO. 9503184.
[FOR HEARING TODAY.

(10) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: August 3, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

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The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 9, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Ray Santiago, requesting that the Board take jurisdiction over Building Permit Application No. 9504425 for remodel and renovation of kitchen, bedrooms and three bathrooms, installation of new metal fireplace and replacement of existing garage door at 2231 Franklin Street.

Date issued	June 6, 1995
Appeal period ended	June 21, 1995
Request for jurisdiction	July 25, 1995

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: Ray Santiago, requestor; and John McInerney, attorney for permit holder.

REQUEST FOR REHEARING:

ITEM B: Letter from the National Park Service, appellant requesting rehearing o Appeal No. 95-078, public service kiosk at the NW corner of Hyde and Beach Streets Hearing July 19, 1995. Upon motion by Vice President Murphy, the Board voted 3- (Commissioner Felzer dissented and President Alba absent) to overrule the departmen and deny the permit. Four votes are needed and the motion failed. Then upon motio by Commissioner Bradstreet, the Board voted 2-2 (Commissioners Chan and Felzer dissented and President Alba absent) to rescind the previous motion and to continu this matter to the next scheduled meeting of the Board. Three votes being needed this motion failed. The permit is **UPHELD**.

ACTION: After discussion, upon motion by President Alba, the Board voted 5- to **CONTINUE** consideration to **September 27, 1995** to allow time for President Alba to review the material from the hearing on July 19, 1995.

SPEAKERS: Ranger John Cunnane, for National Park Service; and Jacob Szeto, Department of Public Works.

REQUEST FOR JURISDICTION OVER DECISION OF POLICE COMMISSION RESOLUTION NO. 102-95

ITEM C: Letter from Mark Gruberg of the United Taxicab Workers, requesting tha the Board take jurisdiction over Police Commission decision to approve transfer o stock shares of Veterans Taxicab Company in excess of the ten percent threshhol discussed in the City Charter.

ACTION: **CONTINUED** to **September 6, 1995** to allow staff to notify Veterans Ca Company, the real party in interest.

SPEAKERS: Sergeant William Coggan, S.F.P.D.; and Mark Gruberg, requestor.

The Board recessed from 6:54 to 7:12 p.m.

APPEAL NO. 95-085

(3)
MOON S. FONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 23, 1995, for
[work done at 1233 Taylor Street.
[APPLICATION NO. 9506130.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: William Fong, for appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-086

(4)
GIA D. NGUYEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 26, 1995, for work
[done at 11 Athens Street.
[APPLICATION NO. 9414648.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **August 16, 1995** on motion by Vice President Murphy for appellant to submit copies of 3-R report and other documents from purchase.

SPEAKERS: Gia Nguyen, appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-087

(5)
RICHARD CHEUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 27, 1995, for
[work done at 3501 Noriega Street.
[APPLICATION NO. 9403734.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **August 16, 1995** on motion by Commissioner Bradstreet for appellant to submit copies of 3-R report and other documents from purchase.

SPEAKER: Richard Cheung, appellant.

APPEAL NO. 95-090

(6)
HAPPY KILOWATT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on June 30, 1995, for
[work done at 1225 Sixth Street.
[ELECTRICAL PERMIT NO. 141188.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 2-3 (President Alba, Vice President Murphy, Commissioner Bradstreet dissented) to overrule the department with the condition the penalty be reduced to two times the regular fee of $232.75 for a total of $465.50. Four votes are needed and the motion failed. Upon motion by Commissioner Bradstreet, the Board voted 2-3 (Vice President Murphy, Commissioners Chan and Felzer dissented) to overrule the department with the condition that the penalty be reduced to six times the regular fee of $232.75 for a total of $1,396.50. Four votes are needed and the motion failed. Then upon motion by Commissioner Chan, the Board voted 4-1 (Commissioner Bradstreet dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $232.75 for a total of $931.00.

SPEAKERS: Dale Seymour, for appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-049

DEBORAH & ROBERT DUPIRE-NELSON,
Appellants
(7) vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1995, of
[permit to Alter a Building
[(addition at kitchen and floor
[above; miscellaneous interior
[remodeling) at 3840 Clay Street.
[APPLICATION NO. 9401679.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **August 16, 1995** on motion by Commissioner Chan for the parties to reach a compromise.

SPEAKERS: Michael Burke, attorney for appellant; Steve and Anne Marie Massocca, Walter Newman, in support of the department; Ruth Ellen Miller, in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 95-097

DIAMOND HEIGHTS SHOPPING CENTER,
Appellant
(8) vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 12, 1995, of
[permit for a shopping center
[sign at 5260-90 Diamond Heights
[Blvd. for failure to comply with
[Planning Code Section 607.1(f)2e.
[APPLICATION NO. 9503078.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion with findings by Vice President Murphy, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: John Whittaker, for Ad Art; Janet Oliver, for Diamond Heights Shopping Center; Leonard Michael, architect for appellant; Robert Passmore, Zoning Administrator for the Planning Department.

The Board recessed 8:54 to 9:02 p.m. Vice President Murphy departed at 9:02 p.m. because of illness.

APPEAL NO. 95-084

NISSIM NINIO, FRANCO DE PALO,
JOHN GARDINER, LINDA KAZARES,
& MARK MINER, Appellants
(9) vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 16,
[1995, to Scott Pelichoff (new
[owner Patrick McNerney), permit
[to Erect a Building (one live-
[work unit over commercial space)
[at 635 Third Street.
[APPLICATION NO. 9503184.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 (Vice President Murphy absent) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Paul Melbostad, attorney for Nissim Ninio; Nissim Ninio and Mark Miner, appellants; Dorothy Gardiner, Joel Blum, Audrey Joseph, Dan Nelson, in opposition to the project; Patrick McNerney, permit holder; Victoria Carlin, Nancy Freeman, Robert Thomason, Michael McFadden, Stan Freedlander, Kevin Jewel, in support of the project; Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Senior Building Inspector for Department of Building Inspection; Judith Boyajian, Deputy City Attorney.

(10) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 9:45 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 16, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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APPEAL NO. 95-086

(2)
GIA D. NGUYEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 26, 1995, for work
[done at 11 Athens Street.
[APPLICATION NO. 9414648.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-087

(3)
RICHARD CHEUNG, Appellant
vs.
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PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 27, 1995, for
[work done at 3501 Noriega Street.
[APPLICATION NO. 9403734.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-049

(4)
DEBORAH & ROBERT DUPIRE-NELSON,
Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1995, of
[permit to Alter a Building
[(addition at kitchen and floor
[above; miscellaneous interior
[remodeling) at 3840 Clay Street.
[APPLICATION NO. 9401679.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-095

(5)
JIM LIGHTSEY, Appellant
vs.
FIRE DEPARTMENT, Respondent

[Protesting issuance on June
[21, 1995, to Mission Vocational
[& Language School, Public Assembly
[permit (dining: 595 persons,
[dancing: 1,000 persons) at
[2929 - 19th Street.
[PERMIT NO. 951557.
[FOR HEARING TODAY.

APPEAL NO. 95-077

(6)
DIONE H. KING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 18,
[1995, to Caridad and William
[Gravitt, permit to Erect a
[Building (nine dwelling units,
[commercial space and parking)
[at 2185-93 Market Street.
[APPLICATION NO. 9222330S.
[FOR HEARING TODAY.

APPEAL NO. 95-092

(7)
ANITA WEINERT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 16,
[1995, to Katherine D. Burke School,
[permit to Alter a Building (new
[pergola, handicapped ramp, repaving
[at front entry, new 240 s.f. class-
[room, improved kitchen and lounge
[areas, upgrade two handicapped
[toilets, new ramp and enclosure
[at multi-purpose room) at
[7070 California Street.
[APPLICATION NO. 9503481.
[FOR HEARING TODAY.

APPEAL NO. 95-099

(8)
JOSEPH & KATHLEEN HOEGGER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 29,
[1995, to William Lynch, permit
[to Demolish a Building (warehouse)
[at 36 Monterey Blvd.
[APPLICATION NO. 9510064.
[FOR HEARING TODAY.

APPEAL NO. V95-088

(9)
LISA A. BURKE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 22, 1995, of
[Off-Street Parking Variance (to
[allow the addition of a second
[dwelling unit on the ground
[floor of the existing two-story
[over basement single-family
[dwelling, with no expansion of
[the existing structure proposed)
[for property at 86 Mars Street.
[VARIANCE CASE NO. 95.092V.
[FOR HEARING TODAY.

APPEAL NO. V95-091

(10)
MICHAEL C. MEAD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front
[Setback variance (to construct
[bay windows at front of the
[building, expand the building
[southward, and build an additional
[vertical story with bay windows
[above an existing two-story single
[family dwelling; project also
[involves construction of a one-
[story foyer addition at the rear
[which does not require a variance)
[granted on June 23, 1995, for
[property at 55 Belmont Avenue.
[VARIANCE CASE NO. 94.311V.
[FOR HEARING TODAY.

(11) **EXECUTIVE SESSION:** Appeal Nos. 88-293, 294, 295
959 Powell and 8 Wetmore Streets
Superior Court No. 908-819
Report by City Attorney on status of litigation.

Date posted: August 10, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
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DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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Board of Permit Appeals
Robert H. Feldman, Executive Director
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San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
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WEDNESDAY, AUGUST 16, 1995
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Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 95-086

(2)
GIA D. NGUYEN, Appellant
vs.
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PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[June 26, 1995, for work
[done at 11 Athens Street.
[APPLICATION NO. 9414648.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $183.30 for a total of $366.60.

SPEAKER: Gia Nguyen, appellant.

APPEAL NO. 95-087

(3)
RICHARD CHEUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on June 27, 1995, for
[work done at 3501 Noriega Street.
[APPLICATION NO. 9403734.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $1,000.00.

city to accommodate these individuals.

SPEAKER: Nicole Cheung, for appellant.

APPEAL NO. 95-049

(4)
DEBORAH & ROBERT DUPIRE-NELSON, Appellants
vs.
DEPT. BLDG. INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1995, of
[permit to Alter a Building
[(addition at kitchen and floor
[above: miscellaneous interior
[remodeling) at 3840 Clay Street.
[APPLICATION NO. 9401679.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Bradstreet, the Board voted 5-0 to **OVERRU** the department and **GRANT** the permit with findings and the following **COND** **TIONS**: The plans shall be revised to: (1) Eliminate the roof deck a all proposed decks. (2) Pull the second story in five feet so that comes out a maximum of seven feet from the face of the existing ba (3) Notch the second story so that the east elevation comes out on six feet from the face of the existing bay. (4) Eliminate the northea second story window. (5) Use clerestory (above six feet) frosted stained glass windows on east elevation for privacy. (6) Plant proper line mature trees or lattice work and plantings to completely scre not only the addition, but the existing structure.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Micha Burke, attorney for appellants; Glenn Ogreenc, residential designer f appellants; Barbara Kramer, Steve Sherman, Charles Shourek, Joe O'Don ghue, Kathy Bidkno, Jennifer Flynn, Patricia Poni, Megan and David Ki chko, Elaine Doucet, Peter Harrison, Jake Ng, Casey Tefertiller, K Lim, Rose Tsai, Christine Harrison, Mandy Wise, in support of appellant Michael Hooker, David Pettus, Jim Ream, Pat Hulting, Loretta Levy, Broo Sampson, Chris Callet, Rich Hake, in opposition to the project; Geor Loisos, architect for appellants.

The Board recessed from 7:58 to 8:09 p.m.

APPEAL NO. 95-095

(5)
JIM LIGHTSEY, Appellant
vs.
FIRE DEPARTMENT, Respondent

[Protesting issuance on June
[21, 1995, to Mission Vocational
[& Language School, Public Assembl
[permit (dining: 595 persons,
[dancing: 1,000 persons) at
[2929 - 19th Street.
[PERMIT NO. 951557.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **October 25, 1995** at request of parti to allow time for settlement.

APPEAL NO. 95-077

(6)
DIONE H. KING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 18,
[1995, to Caridad and William
[Gravitt, permit to Erect a
[Building (nine dwelling units,
[commercial space and parking)
[at 2185-93 Market Street.
[APPLICATION NO. 9222330S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with no conditions.

SPEAKERS: Sue Hestor, attorney for appellant; Dione King, appellant; James Hutchinson, Senior Building Inspector for Bureau of Building Inspection; William Gravitt, permit holder; Jeremy Kotas, architect for permit holder; and Rick Judd, attorney for permit holder.

APPEAL NO. 95-092

(7)
ANITA WEINERT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 16,
[1995, to Katherine D. Burke School,
[permit to Alter a Building (new
[pergola, handicapped ramp, repaving
[at front entry, new 240 s.f. class-
[room, improved kitchen and lounge
[areas, upgrade two handicapped
[toilets, new ramp and enclosure
[at multi-purpose room) at
[7070 California Street.
[APPLICATION NO. 9503481.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **UPHOLD** the department and **GRANT** the permit with no conditions.

SPEAKERS: Anita Weinert, appellant; Norman Kondy, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Barbara Kimport, permit holder.

APPEAL NO. 95-099

(8)
JOSEPH & KATHLEEN HOEGGER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 29,
[1995, to William Lynch, permit
[to Demolish a Building (warehouse)
[at 36 Monterey Blvd.
[APPLICATION NO. 9510064.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chan, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

city to accommodate these individuals.

MINUTES OF THE BOARD OF THE PERMIT APPEAL, AUGUST 16, 1995 (cont'd.)

SPEAKERS: None. The appellants did not appear. The permit holder was present.

APPEAL NO. V95-088

LISA A. BURKE, Appellant
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 22, 1995, of
[Off-Street Parking Variance (to
[allow the addition of a second
[dwelling unit on the ground
[floor of the existing two-story
[over basement single-family
[dwelling, with no expansion of
[the existing structure proposed)
[for property at 86 Mars Street.
[VARIANCE CASE NO. 95.092V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Alba, the Board voted 3- (Comissioners Bradstreet and Chan dissented) to **UPHOLD** the departme and **DENY** the variance, adopting the Zoning Administrator's findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; a Lisa Burke, appellant.

APPEAL NO. V95-091

MICHAEL C. MEAD, Appellant
(10) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of conditions of Front
[Setback variance (to construct
[bay windows at front of the
[building, expand the building
[southward, and build an additiona
[vertical story with bay windows
[above an existing two-story singl
[family dwelling; project also
[involves construction of a one-
[story foyer addition at the rear
[which does not require a variance
[granted on June 23, 1995, for
[property at 55 Belmont Avenue.
[VARIANCE CASE NO. 94.311V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 4-1 (Commissioner Felzer dissented) to **UPHOLD** the **CONDITIONS** of the var ance.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; All Ainsworth, Ellen Huppert, Glen Gertmenian, Diana Preddy, Dagmar Olso Edwin Leggett, Rita Meakin, Justine and Lawrence Fixel, Jeremy Pau Leonard Penadero, Frances Thomas, Peter Huppert, Dennis Smith, Alexande Thomas, in support of the Zoning Administrator; Michael Mead, appellan and Burton Rockwell, in support of appellant.

(11) **EXECUTIVE SESSION:** Appeal Nos. 88-293, 294, 295
959 Powell and 8 Wetmore Streets
Superior Court No. 908-819
Report by City Attorney on status of litigation.

ACTION: Judith Boyajian, Deputy City Attorney reported on status of litigation.

There being no further business, President Alba adjourned the meeting at 11:15 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 6, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from John Jenkel requesting that the Board take jurisdiction over an amendment to permit for a vehicle for hire-nonmotorized to operate up to five horse drawn carriages issued to Jeff Sears, dba "Waterfront Carriages".

Date amended	July 12, 1995
Appeal period ended	July 27, 1995
Request for jurisdiction	August 11, 1995

ITEM B: Letter from Albert Lannon of City College of San Francisco, requesting that the Board take jurisdiction over an apprenticeship cab class permit conditionally granted to De Soto Cab Company.

Date issued	August 2, 1995
Appeal period ended	August 17, 1995
Request for jurisdiction	August 24, 1995

REQUEST FOR REHEARING:

ITEM C: Letter from Jananne and Michael Mead, appellants, requesting rehearing of Appeal No. V95-091, 55 Belmont Avenue. Hearing August 16, 1995. Upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **UPHOLD** the **CONDITIONS** of the variance.

APPEAL NO. 95-120

(3) YERBA BUENA ALLIANCE, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on August
[2, 1995, to Elizabeth Furnelli,
[dba "Solid Gold", Place of
[Entertainment permit at
[650 Howard Street.
[FOR HEARING TODAY.

APPEAL NO. 95-113

(4) MATTHEW P. WICK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 2, 1995, for work done
[at 281 - 285 Church Street.
[APPLICATION NO. 9501880.
[FOR HEARING TODAY.

APPEAL NO. 95-093

(5) CLEMENT YEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 21, 1995, of
[permit to Alter a Building (32-
[foot deep, two-story addition
[to the rear of a two-story
[single family dwelling) at
[1927 - 42nd Avenue.
[APPLICATION NO. 9412723.
[FOR HEARING TODAY.

APPEAL NO. 95-096

(6) WALDEN HOUSE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 26,
[1995, to J.S. Guerin & Company,
[permit to Alter a Building (erect
[8' x 12' metal security fence)
[at 510 Townsend Street.
[APPLICATION NO. 9507130.
[FOR HEARING TODAY.

APPEAL NO. 95-100

(7) LAI KING QUAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 30,
[1995, to Jack Jair, permit to
[Erect a Building (12 apartment
[units) at 714 Stockton Street.
[APPLICATION NO. 9101326.
[FOR HEARING TODAY.

APPEAL NO. 95-102

(8) VIACHISLAF & NATALIA JACOBSON,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 14,
[1995, to Thomas White, permit
[to Alter a Building (construct
[400 s.f. roof deck with stucco
[walls and wood siding, install
[5' spiral stairway to roof, door
[at second floor for stair access,
[ironwork safety rail on building
[parapet, and rejoist roof as neces
[sary) at 10 Loma Vista Terrace.
[APPLICATION NO. 9420684S.
[FOR HEARING TODAY.

APPEAL NO. 95-112

(9) WUN YING L. CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 21,
[1995, to Thomas and Natalia Girlic
[permit to Alter a Building (add
[family room, master bedroom w/bath
[nook area, and bathroom on existin
[first floor) at 164 Huntington
[Drive.
[APPLICATION NO. 9411990.
[FOR HEARING TODAY.

APPEAL NO. V95-101

(10) MATTHEW H. WILSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on July 11,
[1995, to Mission Housing Develop-
[ment Corp., Rear Year Modifica-
[tion and Dwelling Unit Exposure
[Variance (proposal to construct
[up to 50 senior housing units
[on a site approximately 19,878
[sq. ft. in size) at 670 Valencia
[Street.
[VARIANCE CASE NO. 94.166V.
[FOR HEARING TODAY

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: August 31, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

The Board requests that appeals involving major design issues be referred before hearing to the A.I.A. Advisory Design Review Panels for mediation and recommendation for appropriate design changes.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
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San Francisco, California 94103
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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 6, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Angela Bradstreet.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from John Jenkel requesting that the Board take jurisdiction over an amendment to permit for a vehicle for hire-nonmotorized to operate up to five horse drawn carriages issued to Jeff Sears, dba "Waterfront Carriages".

Date amended	July 12, 1995
Appeal period ended	July 27, 1995
Request for jurisdiction	August 11, 1995

ACTION: After discussion, upon motion by President Alba, the Board voted 4-0 to DENY the request for jurisdiction.

SPEAKERS: Gilles Cohen and John Jenkel, requestors; and Sergeants William Coggan and Terence Collins, S.F.P.D.

ITEM B: Letter from Albert Lannon of City College of San Francisco, requesting that the Board take jurisdiction over an apprenticeship cab class permit conditionally granted to De Soto Cab Company.

Date issued	August 2, 1995
Appeal period ended	August 17, 1995
Request for jurisdiction	August 24, 1995

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 4-0 to **DENY** the request for jurisidiction.

SPEAKERS: Beverly Graffis, for Albert Lannon; and Sergeant William Coggan, S.F.P.D.

REQUEST FOR REHEARING:

ITEM C: Letter from Jananne and Michael Mead, appellants, requesting rehearing Appeal No. V95-091, 55 Belmont Avenue. Hearing August 16, 1995. Upon motion Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to UPHOL the **CONDITIONS** of the variance.

ACTION: **CONTINUED** to **October 11, 1995** for parties to try to get support for t plan.

SPEAKERS: Jerry Klein, for appellants; Robert Passmore, Zoning Administrator f the Planning Department; and Jananne Mead, appellant.

APPEAL NO. 95-120

(3)
YERBA BUENA ALLIANCE, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Protesting issuance on August
[2, 1995, to Elizabeth Furnelli,
[dba "Solid Gold", Place of
[Entertainment permit at
[650 Howard Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 2-2 (Commissioners Chan and Felzer dissented) to overrule the departme and deny the permit. Four votes are needed and the motion failed. Th upon motion by Commissioner Chan, the Board voted 4-0 to **UPHOLD** the d partment and **GRANT** the permit with the following additional **CONDITION** (1) Hours of operation shall be 11:00 a.m. to 2:00 p.m. and 6:00 p. to 2:00 a.m. (2) No lines of customers shall be allowed by permit hold on sidewalk. (3) Permit holder shall designate a manager and telepho number to call on complaints. (5) Valet parking shall be provide (6) The Noise Abatement Officer of the S.F.P.D. shall conduct noise tes within 30 days of issuance during the 11 a.m. to 2:00 p.m. period.

SPEAKERS: Shirley Bierly and Anita Hill for appellant; Ken Grace, from Mayor Office; Karen Carr, Kevin Hardiman, Maxwell Myers, in support of appe lant; Robert Passmore, Zoning Administrator for the Planning Departmen Thomas Steel, attorney for permit holder; James Hutchinson, Senior Buil ing Inspector for the Department of Building Inspection; Tom Bechar in support of the permit holder; Captain Michael Yalon, Sergeant Willi Coggan, Officer Don Gallagher, S.F.P.D.; Andy Forrest, civil engine for permit holder.

The Board recessed from 7:18 to 7:33 p.m.

APPEAL NO. 95-113

(4)
MATTHEW P. WICK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 2, 1995, for work done
[at 281 - 285 Church Street.
[APPLICATION NO. 9501880.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee for work done without permit after the Department of Building Inspection meets with the appellant and adjusts the cost of construction.

SPEAKERS: Matthew Wick, appellant; and James Hutchinson, and Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-093

(5)
CLEMENT YEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 21, 1995, of
[permit to Alter a Building (32-
[foot deep, two-story addition
[to the rear of a two-story
[single family dwelling) at
[1927 - 42nd Avenue.
[APPLICATION NO. 9412723.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chan, the Board voted 4-0 to **UPHOLD** the department position and **DENY** the permit. The appellant did not appear.

SPEAKER: Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 95-096

(6)
WALDEN HOUSE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 26,
[1995, to J.S. Guerin & Company,
[permit to Alter a Building (erect
[8' x 12' metal security fence)
[at 510 Townsend Street.
[APPLICATION NO. 9507130.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

APPEAL NO. 95-100

(7)
LAI KING QUAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 30,
[1995, to Jack Jair, permit to
[Erect a Building (12 apartment
[units) at 714 Stockton Street.
[APPLICATION NO. 9101326.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit with findings by t Planning Commission and Gordon Lau in his letter dated August 24, 1995.

SPEAKERS: Bill Quan, appellant's son; and Gordon Lau, attorney for permit holder

APPEAL NO. 95-102

(8)
VIACHISLAF & NATALIA JACOBSON,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 14,
[1995, to Thomas White, permit
[to Alter a Building (construct
[400 s.f. roof deck with stucco
[walls and wood siding, install
[5' spiral stairway to roof, door
[at second floor for stair access,
[ironwork safety rail on building
[parapet, and rejoist roof as neces
[sary) at 10 Loma Vista Terrace.
[APPLICATION NO. 9420684S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit with the followi **CONDITIONS:** (1) The permit holder shall use transparent panels for t deck railing. (2) The permit holder shall install a pressure pad ala on the new spiral staircase.

SPEAKERS: Viachislaf Jacobson, appellant; Joyce Polhamus and Allen Cohen, in opp sition to the project; Gregory DeLory, designer for permit holder; a Thomas White, permit holder.

APPEAL NO. 95-112

(9)
WUN YING L. CHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 21,
[1995, to Thomas and Natalia Girli
[permit to Alter a Building (add
[family room, master bedroom w/bat
[nook area, and bathroom on existi
[first floor) at 164 Huntington
[Drive.
[APPLICATION NO. 9411990.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted **4-0 to UPHOLD** the department and **GRANT** the permit. The appellant did not appear.

SPEAKERS: None. The permit holder was present but did not speak.

APPEAL NO. V95-101

MATTHEW H. WILSON, Appellant
(10) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on July 11,
[1995, to Mission Housing Develop-
[ment Corp., Rear Year Modifica-
[tion and Dwelling Unit Exposure
[Variance (proposal to construct
[up to 50 senior housing units
[on a site approximately 19,878
[sq. ft. in size) at 670 Valencia
[Street.
[VARIANCE CASE NO. 94.166V.
[FOR HEARING TODAY

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and his findings and **GRANT** the variance with the following **ADDITIONAL CONDITIONS:** (1) The MHDC shall post a sign at the Bird Street door that residents may not be picked up there, but only at the Valencia Street entrance. (2) No intercom shall be installed at the Bird Street door.

SPEAKERS: Matthew Wilson, appellant; Lotta Garrity, Manny Murtagh, Martin Canda, Kiereskilli Sikorski, Peter Murphy, Doug McKinnon, Chris Davis, Jeb Sharp, Tim Ho, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Daniel Hernandez, for variance holder; Ann Corney, architect for variance holder; and Maurice Wando, in support of the project.

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:39 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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****NOTE TIME TO BE CONVENED: 1:30 P.M.****

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 20, 1995

1:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Bren Norris requesting that the Board take jurisdiction over suspension of Building Permit Application No. 9408991 to erect a fence at the perimeter of 100 Ulloa Street.

Date suspended	July 26, 1994
Appeal period ended	August 10, 1994
Request for jurisdiction	July 25, 1995

REQUEST FOR REHEARING:

ITEM B: Letter from Yerba Buena Alliance, appellant requesting rehearing of Appeal No. 95-120, 650 Howard Street. Hearing September 6, 1995. Upon motion by Vice President Murphy, the Board voted 2-2 (Commissioners Chan and Felzer dissented, Commissioner Bradstreet absent) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Commissioner Chan, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permit with the following additional **CONDITIONS**: (1) Hours of operation (conducting shows) shall be 11:00 a.m. to 2:00 p.m. and 6:00 p.m. to 2:00 a.m. (2) No lines of customers shall be allowed by permit holder on sidewalk. (3) Permit holder shall designate a manager and telephone number to call on complaints. (4) Valet parking shall be provided. (5) The Noise Abatement Officer of the S.F.P.D. shall conduct noise tests within 30 days of issuance during the 11:00 a.m. to 2:00 p.m. period.

APPEAL NO. 95-116

(3)
CARLA E. ASCARRUNZ, dba "CARLA E's LATIN DANCING", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on July 26, 1995, of
[Dance Hall Keeper/Place of
[Entertainment permit at
[401 Broadway Street.
[FOR HEARING TODAY.

APPEAL NO. 95-094

(4)
REINALDO CORONADO, Appellant
vs.
ART COMMISSION, Respondent

[Suspension on June 22, 1995,
[of Street Artist Certificate
[for three weeks commencing
[July 8 and ending July 28, 1995,
[for violation of Street Artist
[Ordinance No. 41-83 (conducting
[business in a disorderly, improper
[or hazardous manner) at Jefferson
[Street, south side, between Hyde
[and Leavenworth Streets.
[STREET ARTIST CERT. NO. 3840.
[FOR HEARING TODAY.

APPEAL NO. 95-104

(5)
MELISSA LAI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of penalty on
[on July 26, 1995, for work
[done at 6940 Geary Blvd.
[APPLICATION NO. 9509640.
[FOR HEARING TODAY.

NOTE TIME TO BE CONVENED: 1:30 P.M.

APPEAL NO. 95-103

(6) ALICE WEBER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 11,
[1995, to Lai Ming Cheng Szeto,
[permit to Alter a Building
[(horizontal addition) at
[4015 Kirkham Street.
[APPLICATION NO. 9503236.
[FOR HEARING TODAY.

APPEAL NO. 95-105

(7) BROOKS BROTHERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on July 14,
[1995, to JC Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the NW
[corner of Grant Street and
[Maiden Lane (in front of 201
[Post Street).
[PERMIT NO. 94PSK-10.
[FOR HEARING TODAY.

APPEAL NO. 95-106

(8) CALPROP, L.P., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on July 14,
[1995, to JC Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the NE
[corner of California and Front
[Streets (in front of 150 Californ
[Street).
[PERMIT NO. 94PSK-009.2.
[FOR HEARING TODAY.

APPEAL NO. 95-119

(9) ROSS STORES, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on July 28,
[1995, to JC Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the SE
[corner of Market and Fourth
[Streets (in front of 799 Market
[Street).
[PERMIT NO. 94PSK-009.2.
[FOR HEARING TODAY.

APPEAL NO. 95-123

(10) CITY OF SAN FRANCISCO UPTOWN
PARKING CORPORATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on August
[2, 1995, to JC Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the north side of Sutter
[Street mid-block/Grant/Stockton
[Streets (in front of 444 Sutter)
[PERMIT NO. 94PSK-009.1.
[FOR HEARING TODAY.

(11) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

Date posted: September 14, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

P♿

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

♿

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson, Room 440
San Francisco, California 94103
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 20, 1995
1:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
SEP 25 1995
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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Douglas Chan and Ike Felzer.

Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Angela Bradstreet.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: David Reese urged the Board to consider the consequences of the decisions it makes regarding the kiosks and the gentlemen's club at 650 Howard Street.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Bren Norris requesting that the Board take jurisdiction over suspension of Building Permit Application No. 9408991 to erect a fence at the perimeter of 100 Ulloa Street.

Date suspended	July 26, 1994
Appeal period ended	August 10, 1994
Request for jurisdiction	July 25, 1995

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 to DENY the request for jurisdiction, and suggested that the requestor work with Senior Building Inspector Hutchinson on how to make her fence comply with the Codes.

SPEAKERS: Bren Norris, requestor; and Judith Boyajian, Deputy City Attorney.

REQUEST FOR REHEARING:

ITEM B: Letter from Yerba Buena Alliance, appellant requesting rehearing of Appea No. 95-120, 650 Howard Street. Hearing September 6, 1995. Upon motion by Vice President Murphy, the Board voted 2-2 (Commissioners Chan and Felzer dissented, Commissioner Bradstreet absent) to overrule the department and deny the permit. Four vote are needed and the motion failed. Then upon motion by Commissioner Chan, the Boar voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** th permit with the following additional **CONDITIONS**: (1) Hours of operation (conductin shows) shall be 11:00 a.m. to 2:00 p.m. and 6:00 p.m. to 2:00 a.m. (2) No line of customers shall be allowed by permit holder on sidewalk. (3) Permit holder shal designate a manager and telephone number to call on complaints. (4) Valet parkin shall be provided. (5) The Noise Abatement Officer of the S.F.P.D. shall conduc noise tests within 30 days of issuance during the 11:00 a.m. to 2:00 p.m. period.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 3-1 (Commissioner Felzer dissented) to grant the request for rehearing Four votes are needed and the motion failed. The request is **DENIED**.

SPEAKERS: Anita Hill, appellant; Nancy Clarence, attorney for permit holder; an Sergeant William Coggan, S.F.P.D.

APPEAL NO. 95-116

(3)
CARLA E. ASCARRUNZ, dba "CARLA E's LATIN DANCING", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on July 26, 1995, of
[Dance Hall Keeper/Place of
[Entertainment permit at
[401 Broadway Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 4-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Sergeant William Coggan and Officer Dan Gallagher, S.F.P.D.; and Cesa Ascarrunz, for appellant.

APPEAL NO. 95-094

(4)
REINALDO CORONADO, Appellant
vs.
ART COMMISSION, Respondent

[Suspension on June 22, 1995,
[of Street Artist Certificate
[for three weeks commencing
[July 8 and ending July 28, 1995,
[for violation of Street Artist
[Ordinance No. 41-83 (conducting
[business in a disorderly, improper
[or hazardous manner) at Jefferson
[Street, south side, between Hyde
[and Leavenworth Streets.
[STREET ARTIST CERT. NO. 3840.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and the suspension.

SPEAKERS: Camille Cook, attorney for appellant; Reinaldo Coronado, appellant; Howard Lazar and Terri Simon, Art Commission; and Virginia Burris and Raymond Jones in support of the department.

APPEAL NO. 95-104

5) MELISSA LAI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of penalty on
[on July 26, 1995, for work
[done at 6940 Geary Blvd.
[APPLICATION NO. 9509040.
[FOR HEARING TODAY.

ACTION: Penalty reduced to two times regular fee by Department of Building Inspection before hearing and appeal **WITHDRAWN**.

SPEAKERS: The appellant was present but did not speak.

he Board recessed from 3:21 to 3:32 p.m.

APPEAL NO. 95-103

(6) ALICE WEBER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 11,
[1995, to Lai Ming Cheng Szeto,
[permit to Alter a Building
[(horizontal addition) at
[4015 Kirkham Street.
[APPLICATION NO. 9503236.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Alice Weber, appellant; Carmen Quintas, in support of appellant; Walter Wong, for permit holder; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 95-105

7) BROOKS BROTHERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on July 14,
[1995, to JC Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the NW
[corner of Grant Street and
[Maiden Lane (in front of 201
[Post Street).
[PERMIT NO. 94PSK-10.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vot 3-1 (Vice President Murphy dissented) to **UPHOLD** the department and **GRA** the permit.

SPEAKERS: Brett Gladstone, attorney for appellant; Ralph Teyssier, civil engine for appellant; Gigi Platt, Ed Lawson, John Barbey, in support of appe lant; Karen Compagno, property manager for appellant; Jacob Szeto, Depar ment of Public Works; Harry O'Brien, attorney for permit holder; a Judith Boyajian, Deputy City Attorney.

APPEAL NO. 95-106

(8)
CALPROP, L.P., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on July 14,
[1995, to JC Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the NE
[corner of California and Front
[Streets (in front of 150 Californ
[Street).
[PERMIT NO. 94PSK-009.2.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vot 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Joel Yodowitz, attorney for appellant; Jacob Szeto, Department of Publ Works; Harry O'Brien, attorney for permit holder; John Barbey, in suppo of permit holder; and Ed Lawson, in support of appellant.

APPEAL NO. 95-119

(9)
ROSS STORES, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on July 28,
[1995, to JC Decaux United Street
[Furniture, permit to install a
[Public Service Kiosk at the SE
[corner of Market and Fourth
[Streets (in front of 799 Market
[Street).
[PERMIT NO. 94PSK-009.2.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Michael Abraham, attorney for appellant; John Barbey, in support of perm holder; Ed Lawson, in support of appellant; Virginia Conway, in suppo of appellant; Rick Samuel, Ross Stores; Jacob Szeto, Department of Publ Works; and Harry O'Brien, attorney for permit holder.

APPEAL NO. 95-123

CITY OF SAN FRANCISCO UPTOWN
PARKING CORPORATION, Appellant
(10) vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on August
[2, 1995, to JC Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the north side of Sutter
[Street mid-block/Grant/Stockton
[Streets (in front of 444 Sutter)
[PERMIT NO. 94PSK-009.1.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Paul Newman, attorney for appellant; Ed Lawson, in support of appellant; John Barbey, in support of permit holder; Jacob Szeto, Department of Public Works; Harry O'Brien, attorney for permit holder; and Greg Sokol, garage manager for appellant.

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 5:42 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, SEPTEMBER 27, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from the National Park Service, appellant, requesting rehearing of Appeal No. 95-078, public service kiosk at the NW corner of Hyde and Beach Streets. Hearing July 19, 1995. Upon motion by Vice President Murphy, the Board voted 3-1 (Commissioner Felzer dissented and President Alba absent) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Commissioner Bradstreet, the Board voted 2-2 (Commissioners Chan and Felzer dissented and President Alba absent) to rescind the previous motion and to continue this matter to the next scheduled meeting of the Board. Three votes being needed, this motion failed. The permit is **UPHELD**.

ITEM B: Letter from Lisa Burke, appellant, requesting rehearing of Appeal No. V95-088, 86 Mars Street. Hearing August 16, 1995. Upon motion by President Alba, the Board voted 3-2 (Commissioners Bradstreet and Chan dissented) to **UPHOLD** the department and **DENY** the variance, adopting the Zoning Administrator's findings.

ITEM C: Letter from Viachislaf Jacobson, appellant, requesting rehearing of Appeal No. 95-102, 10 Loma Vista Terrace. Hearing September 6, 1995. Upon motion by Vice President Murphy, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS**: (1) The permit holder shall use transparent panels for the deck railing. (2) The permit holder shall install a pressure pad alarm on the new spiral staircase.

APPEAL NO. 95-093

(3)
CLEMENT YEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 21, 1995, of
[permit to Alter a Building (32-
[foot deep, two-story addition
[to the rear of a two-story
[single family dwelling) at
[1927 - 42nd Avenue.
[APPLICATION NO. 9412723.
[FOR HEARING TODAY.

APPEAL NO. 95-107

(4)
DIANA CHIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 26,
[1995, to Judith Lee Koch, permit
[to Alter a Building (add trellis
[to existing property line fence
[in rear garden, not to exceed
[10' in height) at 1865 Vallejo
[Street.
[APPLICATION NO. 9511685.
[FOR HEARING TODAY.

APPEAL NO. 95-108

(5)
COW HOLLOW NEIGHBORS IN ACTION,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[the Presidio Wall at Lyon and
[Greenwich Streets.
[APPLICATION NO. 9507098.
[FOR HEARING TODAY.

APPEAL NO. 95-109

(6)
PACIFIC HEIGHTS RESIDENTS ASSOC.,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[2390 Jackson Street.
[APPLICATION NO. 9507100.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 95-110

(7A)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Demolish a Building at
[270 Henry Street.
[APPLICATION NO. 9415264.
[FOR HEARING TODAY.

APPEAL NO. 95-111

(7B)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Erect a Building (three-story,
[five-unit apartment building)
[at 270 Henry Street.
[APPLICATION NO. 9415265.
[FOR HEARING TODAY.

(8) PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

Date posted: September 21, 1995

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 27, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: Patricia Vaughey reported on the most recent activities of the Cow Hollow Neighbors in Action.

Edith McMillan spoke of her own recent civic activities regarding emissions from antennae near schools.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from the National Park Service, appellant, requesting rehearing of Appeal No. 95-078, public service kiosk at the NW corner of Hyde and Beach Streets. Hearing July 19, 1995. Upon motion by Vice President Murphy, the Board voted 3-1 (Commissioner Felzer dissented and President Alba absent) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Commissioner Bradstreet, the Board voted 2-2 (Commissioners Chan and Felzer dissented and President Alba absent) to rescind the previous motion and to continue this matter to the next scheduled meeting of the Board. Three votes being needed, this motion failed. The permit is **UPHELD**.

ACTION: After discussion, upon motion by President Alba, the Board voted 4-1 (Commissioner Felzer dissented) to **GRANT** rehearing and scheduled it for **November 15, 1995.**

SPEAKERS: Ranger John Cunane for National Park Service, appellant; and Harry O'-Brien, attorney for permit holder.

ITEM B: Letter from Lisa Burke, appellant, requesting rehearing of Appeal No. V9 088, 86 Mars Street. Hearing August 16, 1995. Upon motion by President Alba, t Board voted 3-2 (Commissioners Bradstreet and Chan dissented) to **UPHOLD** the departme and **DENY** the variance, adopting the Zoning Administrator's findings.

ACTION: After discussion, upon motion by President Alba, the Board voted 5 to **GRANT** rehearing and scheduled it for **November 15, 1995**.

SPEAKERS: Lisa Burke, appellant; and Robert Passmore, Zoning Administrator f the Planning Department.

ITEM C: Letter from Viachislaf Jacobson, appellant, requesting rehearing of Appe No. 95-102, 10 Loma Vista Terrace. Hearing September 6, 1995. Upon motion by Vi President Murphy, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPH** the department and **GRANT** the permit with the following **CONDITIONS:** (1) The perm holder shall use transparent panels for the deck railing. (2) The permit hol shall install a pressure pad alarm on the new spiral staircase.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vot 5-0 to **DENY** the request for rehearing.

SPEAKERS: Joel Gumbiner, attorney for appellant; and Greg Delory, designer permit holder.

APPEAL NO. 95-093

(3)

CLEMENT YEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 21, 1995, of
[permit to Alter a Building (32-
[foot deep, two-story addition
[to the rear of a two-story
[single family dwelling) at
[1927 - 42nd Avenue.
[APPLICATION NO. 9412723.
[FOR HEARING TODAY.

ACTION: Before taking taking testimony, upon motion by Commissioner Chan, e Board voted 5-0 to **RESCIND** the vote of September 6 when this appeal d been scheduled in error. Then, after taking testimony, upon motion y Vice President Murphy, the Board voted 3-2 (Commissioners Chan and Fel r dissented) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Max R dall, in support of department; Christine Tan, daughter of property o ers; and Clement Yen, designer/appellant.

APPEAL NO. 95-107

(4)

DIANA CHIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 26,
[1995, to Judith Lee Koch, permit
[to Alter a Building (add trellis
[to existing property line fence
[in rear garden, not to exceed
[10' in height) at 1865 Vallejo
[Street.
[APPLICATION NO. 9511685.
[FOR HEARING TODAY.

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 11, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

MINUTES OF THE BOARD OF PERMIT APPEALS, SEPTEMBER 27, 1995 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Diana Chin, appellant; Dick Steen, in support of appellant; Harlan Koch, permit holder; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-108

(5)
COW HOLLOW NEIGHBORS IN ACTION,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[the Presidio Wall at Lyon and
[Greenwich Streets.
[APPLICATION NO. 9507098.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** at hearing to **November 1, 1995** at request of City Attorney's Office.

SPEAKERS: Judith Boyajian, Deputy City Attorney; and Ken Jew, project manager for MUNI.

APPEAL NO. 95-109

(6)
PACIFIC HEIGHTS RESIDENTS ASSOC.,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[2390 Jackson Street.
[APPLICATION NO. 9507100.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** at hearing to **November 1, 1995** at request of City Attorney's Office.

SPEAKERS: Judith Boyajian, Deputy City Attorney; and Ken Jew, project manager for MUNI.

Items (7A) and (7B) were heard together

APPEAL NO. 95-110

(7A)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Demolish a Building at
[270 Henry Street.
[APPLICATION NO. 9415264.
[FOR HEARING TODAY.

APPEAL NO. 95-111

(7B)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Erect a Building (three-story,
[five-unit apartment building
[at 270 Henry Street.
[APPLICATION NO. 9415265.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **October 25, 1995** at request of appella with agreement of attorney for appellant.

(8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 7:37 p.m.

Robert H

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Offici Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 11, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION OVER DECISION OF POLICE COMMISSION RESOLUTION NO. 102-95

ITEM A: Letter from Mark Gruberg of the United Taxicab Workers, requesting that the Board take jurisdiction over Police Commission decision to approve transfer of stock shares of Veterans Taxicab Company in excess of the ten percent threshhold discussed in the City Charter.

REQUESTS FOR REHEARING:

ITEM B: Letter from Jananne and Michael Mead, appellants, requesting rehearing of Appeal No. V95-091, 55 Belmont Avenue. Hearing August 16, 1995. Upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **UPHOLD** the **CONDITIONS** of the variance.

ITEM C: Letter from Alice Weber, appellant, requesting rehearing of Appeal No. 95-103, 4015 Kirkham Street. Hearing September 20, 1995. Upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permit.

APPEAL NO. V95-117

JEAN WYMAN, Appellant
3) vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August
[4, 1995, to Francine Feder, Rear
[Yard Variance (legalize sun deck
[built without benefit of building
[permit) at 70 - 25th Avenue.
[VARIANCE CASE NO. 95.272V.
[FOR HEARING TODAY.

APPEAL NO. 95-114

THOMAS A. WANDLASS, Appellant
4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 20,
[1995, to Robert C. Gordon, III,
[permit to Alter a Building
[(enclose service court to pro-
[vide one off-street parking
[space, access to deck and roof)
[at 2260 Jackson Street.
[APPLICATION NO. 9507037S.
[FOR HEARING TODAY.

APPEAL NO. 95-133

MARILYN FADEM, Appellant
5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[25, 1995, to Eileen Bernstein,
[permit to Alter a Building
[(convert two-unit dwelling
[to single family dwelling)
[at 144 Freelon Street.
[APPLICATION NO. 9512921.
[FOR HEARING TODAY.

APPEAL NO. 95-098

(6)
COLLEGE OF MORTUARY SCIENCE,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated July 26, 1995 that
[the College of Mortuary Science
[at 1598 Dolores Street is operating
[without a valid use permit and
[must be viewed as a new institution
[and, pursuant to Section 304.5(c)
[of the Planning Code must file
[a full Institutional Master Plan
[with the Planning Department.
[FOR HEARING TODAY.

(7) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: October 5, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	**PRESIDENT**
MARY G. MURPHY	**VICE PRESIDENT**
ANGELA M. BRADSTREET	**COMMISSIONER**
DOUGLAS S. CHAN	**COMMISSIONER**
IKE FELZER	**COMMISSIONER**

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE S.F. ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 11, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
OCT 16 1995
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ESENT: President Wayne Alba, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

SENT: Vice President Mary Murphy.

ris Levine, the Official Court Reporter, swore in all those who intended to testify ring the meeting.

) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION OVER DECISION OF POLICE COMMISSION RESOLUTION NO. 102-95

ITEM A: Letter from Mark Gruberg of the United Taxicab Workers, requesting that the Board take jurisdiction over Police Commission decision to approve transfer of stock shares of Veterans Taxicab Company in excess of the ten percent threshhold discussed in the City Charter.

ACTION: After discussion, upon motion and findings by Commissioner Bradstreet, the Board voted 4-0 to **DENY** the request for jurisdiction.

SPEAKERS: Sergeant William Coggan, S.F.P.D.; Wayne Canterbury, attorney for Veterans Taxicab Company; and Mark Gruberg, requestor.

REQUESTS FOR REHEARING:

ITEM B: Letter from Jananne and Michael Mead, appellants, requesting rehearing of Appeal No. V95-091, 55 Belmont Avenue. Hearing August 16, 1995. Upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **UPHOLD** the **CONDITIONS** of the variance.

ACTION: **WITHDRAWN** at hearing by Jerry Klein, agent for appellant.

ITEM C: Letter from Alice Weber, appellant, requesting rehearing of Appeal No. 95-103, 4015 Kirkham Street. Hearing September 20, 1995. Upon motion by Commissioner Felzer, the Board voted 4-0 (Commissioner Bradstreet absent) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Clarie Pilcher, attorney for appellant; Alice Weber, appellant; and Walter Wong, agent for permit holder.

APPEAL NO. V95-117

(3)
JEAN WYMAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August
[4, 1995, to Francine Feder, Rear
[Yard Variance (legalize sun deck
[built without benefit of building
[permit) at 70 - 25th Avenue.
[VARIANCE CASE NO. 95.272V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance with the **CONDITIONS** as stated by Commissioner Bradstreet: (1) Lattice work shall be installed by permit holder around the substructure of the deck. (2) Landscaping shall be planted by permit holder including crawling vines to climb full height of deck area and shall be well maintained. (3) Privacy screen shall be installed to be six feet in height for full length of the deck, with bottom four feet to be solid and top two feet to be cross-hatched. (4) If installed, deck lighting shall be directed downward onto the floor of the deck and away from the adjacent property.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Larry Paul, architect for appellant; Jean Wyman, appellant; Andy Forrest, architect for variance holder; and Francine Feder, variance holder.

The Board recessed from 7:00 to 7:08 p.m.

APPEAL NO. 95-114

(4)
THOMAS A. WANDLASS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 20,
[1995, to Robert C. Gordon, III,
[permit to Alter a Building
[(enclose service court to provide one off-street parking
[space, access to deck and roof)
[at 2260 Jackson Street.
[APPLICATION NO. 9507037S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant by letter prior to hearing.

APPEAL NO. 95-133

(5)
MARILYN FADEM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[25, 1995, to Eileen Bernstein,
[permit to Alter a Building
[(convert two-unit dwelling
[to single family dwelling)
[at 144 Freelon Street.
[APPLICATION NO. 9512921.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant by letter prior to hearing.

APPEAL NO. 95-098

(6)
COLLEGE OF MORTUARY SCIENCE,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated July 26, 1995 that
[the College of Mortuary Science
[at 1598 Dolores Street is operating
[without a valid use permit and
[must be viewed as a new institution
[and, pursuant to Section 304.5(c)
[of the Planning Code must file
[a full Institutional Master Plan
[with the Planning Department.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion and findings by Commissioner Chan, the Board voted 4-0 to **OVERRULE** the Zoning Administrator with **CONDITIONS** as set forth in the findings, requiring the college to prepare an Institutional Master Plan (IMP) and allowing it to pay the reduced abbreviated IMP fee.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Brett Gladstone, attorney for appellant; and Susan Maher, in support of appellant.

(7) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Felzer announced he was going to New York next week to celebrate the 50th anniversary of his graduation from the Merchant Marine Academy in 1945.

There being no further business, President Alba adjourned the meeting at 8:08 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, OCTOBER 25, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. 95-080

(2)
NAM VAN DOAN, dba "L'AMOR CLUB", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on May 31, 1995, of
[Mechanical Amusement Device permit
[for 120 days at 600 Jackson Street.
[FOR HEARING TODAY.

APPEAL NO. 95-124

(3)
NICK ZAKOUT, dba "THEATRE TOO CAFE", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on August 3, 1995, of
[permit to place table and chairs
[on the sidewalk in front of
[539 Sutter Street.
[FOR HEARING TODAY.

Items (4A) and (4B) shall be heard together

APPEAL NO. 95-110

(4A)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Demolish a Building at
[270 Henry Street.
[APPLICATION NO. 9415264.
[FOR HEARING TODAY.

APPEAL NO. 95-111

(4B)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Erect a Building (three-story,
[five-unit apartment building
[at 270 Henry Street.
[APPLICATION NO. 9415265.
[FOR HEARING TODAY.

APPEAL NO. 95-122

(5)
MERRILL MECHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1995, to Steven Brown, permit
[to Alter a Building (remodel
[existing interior lower floor
[and ground floor, add two bedrooms
[and two baths above existing
[garage) at 4280A Army Street.
[APPLICATION NO. 9416744S.
[FOR HEARING TODAY.

APPEAL NO. 95-125

(6)
PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1995, to Peter P. Bogatsky,
[permit to Alter a Building (add
[two rooms and deck at second floor
[illegible]

APPEAL NO. 95-126

(7) NELSON WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[17, 1995, to James Kavanaugh,
[permit to Erect a Building (three
[condominiums) at 461 - 7th Avenue.
[APPLICATION NO. 9421001S.
[FOR HEARING TODAY.

(8) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: October 19, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

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SPECIAL NOTES

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REQUESTS FOR REHEARING

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ACCESSIBILITY INFORMATION

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There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

P♿

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

♿

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(CHAPTER 67 OF THE S.F. ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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Dept. 41

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#3
10/25/95

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 25, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
OCT 27 1995
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: President Wayne Alba.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 95-080

(2)
NAM VAN DOAN, dba "L'AMOR CLUB", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on May 31, 1995, of
[Mechanical Amusement Device permit
[for 120 days at 600 Jackson Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-0 to **UPHOLD** the department with the **CONDITION** that the suspension shall be reduced to 45 days as stipulated to by the parties.

SPEAKERS: Sergeant William Coggan, S.F.P.D. and Paul Slavit, attorney for appellant were present but did not speak.

APPEAL NO. 95-124

(3)
NICK ZAKOUT, dba "THEATRE TOO CAFE", Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on August 3, 1995, of
[permit to place table and chairs
[on the sidewalk in front of
[539 Sutter Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 4-0 to **OVERRULE** the department with the following **CONDITIONS**: (1) Th probationary period shall be six months. (2) At the end of six month the Department of Public Works shall review the matter and take any appropriate action. (3) The appellant shall pay the monthly assessment fo sidewalk cleaning to the Union Square Association. (4) The appellan is limited to two tables, each with only two chairs to be kept in alignment with the outside edges of the planter boxes.

SPEAKERS: Amir Kazemi, Department of Public Works; Edward Lawson, Gary Morris an Frederick Pickrell, in support of the department; and Nick Zakout, appellant.

Items (4A) and (4B) were heard together

APPEAL NO. 95-110

(4A)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Demolish a Building at
[270 Henry Street.
[APPLICATION NO. 9415264.
[FOR HEARING TODAY.

APPEAL NO. 95-111

(4B)
GREGORY L. SILVA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to Jim Meenagham, permit
[to Erect a Building (three-story,
[five-unit apartment building
[at 270 Henry Street.
[APPLICATION NO. 9415265.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4- to **UPHOLD** the department and **GRANT** the permits. The appellant did no appear.

SPEAKERS: Alice S.Y. Barkley, attorney for permit holder and Jim Meenagham, permi holder were present but did not speak.

APPEAL NO. 95-122

(5)
MERRILL MECHAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1995, to Steven Brown, permit
[to Alter a Building (remodel
[existing interior lower floor
[and ground floor, add two bedrooms
[and two baths above existing
[garage) at 4280A Army Street.
[APPLICATION NO. 9416744S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4-0 to **CONTINUE** the matter to **November 1, 1995.**

SPEAKERS: Steven Brown, permit holder, on continuance issue only. The Board had received a letter from the permit holder that he would not be present because of a death in his family.

APPEAL NO. 95-125

(6)
PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1995, to Peter P. Bogatsky,
[permit to Alter a Building (add
[two rooms and deck at second floor
[level, remove illegal kitchen
[units at ground floor, new
[storage shed in rear yard, new
[fence on rear and side property
[lines) at 2000 Ulloa Street.
[APPLICATION NO. 9309142S.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **November 15, 1995** at request of Board on advice of City Attorney's office.

APPEAL NO. 95-126

7)
NELSON WONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[17, 1995, to James Kavanaugh,
[permit to Erect a Building (three
[condominiums) at 461 - 7th Avenue.
[APPLICATION NO. 9421001S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Nelson Wong, appellant; Shawn Gorman and Gary Gee, architects for permit holder; and Joe O'Donoghue, in support of permit holder.

8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

here being no further business, Vice President Murphy adjourned the meeting at 6:42 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Director

ranscripts of these hearings can be obtained directly from Doris Levine, the Official ourt Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 1, 1995
5:15 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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XECUTIVE SESSION: The Board of Permit Appeals shall meet in an Executive Session closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with ounsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

r meeting shall begin at 5:30 p.m.

UBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

APPEAL NO. 95-127

AUL DAVIS, Appellant
vs.
EPT. BUILDING INSPECTION, Respondent
LANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on August 28, 1995, for
[work done at 1547 Noe Street.
[APPLICATION NO. 9512657.
[FOR HEARING TODAY.

APPEAL NO. 95-128

JSL, INC., dba "SUPER SIGHTSEEING
TOURS", Appellant
vs.
EPT. BUILDING INSPECTION, Respondent
LANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 29, 1995, for work
[done at 2800 Leavenworth Street.
[APPLICATION NO. 9512746.
[FOR HEARING TODAY.

APPEAL NO. 95-131

ARIA H. ALVAREZ, Appellant
vs.
EPT. BUILDING INSPECTION, Respondent
LANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 31, 1995, for work
[done at 1455 - 21st Avenue.
[APPLICATION NO. 9508930.
[FOR HEARING TODAY.

APPEAL NO. 95-132

ENRY KARNILOWICZ, Appellant
vs.
PT. BUILDING INSPECTION, Respondent
ANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 30, 1995, for work
[done at 135 Capp Street.
[APPLICATION NO. 9505508.
[FOR HEARING TODAY.

APPEAL NO. 95-143

M SAU HO, Appellant
vs.
PT. BUILDING INSPECTION, Respondent
ANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on September 28, 1995,
[for work done at 400 Grafton Ave.
[APPLICATION NO. 9512377.
[FOR HEARING TODAY.

APPEAL NO. 95-108

C HOLLOW NEIGHBORS IN ACTION,
Appellant
vs.
D'T. BUILDING INSPECTION, Respondent
P NNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[the Presidio Wall at Lyon and
[Greenwich Streets.
[APPLICATION NO. 9507098.
[FOR HEARING TODAY.

APPEAL NO. 95-109

CIFIC HEIGHTS RESIDENTS ASSOC.,
Appellant
vs.
PT. BUILDING INSPECTION, Respondent
ANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18, 1995, to the Municipal Railway, permit to Erect a Building (Muni operator restroom) in front of 2390 Jackson Street.
[APPLICATION NO. 9507100.
[FOR HEARING TODAY.

APPEAL NO. 95-122

RRILL MECHAN, Appellant
vs.
PT. BUILDING INSPECTION, Respondent
ANNING DEPARTMENT APPROVAL

[Protesting issuance on August 3, 1995, to Steven Brown, permit to Alter a Building (remodel existing interior lower floor and ground floor, add two bedrooms and two baths above existing garage) at 4280A Army Street.
[APPLICATION NO. 9416744S.
[FOR HEARING TODAY.

APPEAL NO. 95-129

NUEL LLAMA, Appellant
vs.
PT. BUILDING INSPECTION, Respondent
ANNING DEPARTMENT APPROVAL

[Protesting issuance on August 14, 1995, to George and Irene Wallace, permit to Erect a Structure (three story single family dwelling) at 1884 - 8th Avenue.
[APPLICATION NO. 9217906S.
[FOR HEARING TODAY.

APPEAL NO. 95-130

MLATA VYAS, Appellant
vs.
NING ADMINISTRATOR, Respondent

[Determination dated August 15, 1995 by the Zoning Administrator that the commercial use of the ground story of the building at 600-610 Fillmore Street (790 Fell) was discontinued/abandoned for failure to comply with conditions of Planning Commission Motion 11054 and that the ground story may only be used as accessory to the hotel use above.
[FOR HEARING TODAY.

APPEAL NO. 95-152

CLIFFORD GRAY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Retraction of approvals of Alteration Building Permit Applications 9408495 and 9507869 and the suspension of Application No. 9511232 by the Zoning Administrator dated October 23, 1995 for alterations creating a restaurant at 1451 Sanchez Street, for violation of Section 181(a) which prohibits expansion of nonconforming commercial floor area.
[FOR HEARING TODAY.

PUBLIC COMMENT: Presentation is limited to three (3) minutes for each speaker.

Posted: October 26, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

he order of presentation of an appeal shall be as follows: In the case of appeal f denials, revocations and suspensions the representatives of the department, oard, commission or person from whose order the appeal is taken shall speak first nd shall be allowed seven (7) minutes for their presentation and three (3) minutes or rebuttal.

he appellant whose permit has been denied, revoked or suspended shall be allowed even (7) minutes for oral argument and three (3) minutes for rebuttal.

n the case of protest appeals, the protestor shall speak first and shall be allowed even (7) minutes to present oral argument and three (3) minutes for rebuttal, nd the permit holder shall be allowed seven (7) minutes to present oral argument nd three (3) minutes for rebuttal. The Board may request a departmental response t its own discretion.

ther persons desiring to speak before the Board on an appeal may speak once for p to three (3) minutes.

SPECIAL NOTES

ll original submittals must be accompanied by nine copies and be received at the ard office no later than the Thursday prior to the public hearing.

iled notice of public hearings on appeals are sent to all parties at least five ys prior to the date of hearing. In the event that a matter is continued to specific date by the presiding officer and announced to the parties in the hearing om, no additional mailed notice will be sent. Please call the Board office at 4-6720 for scheduling or other information during regular business hours.

iefs are limited to twelve pages, excluding exhibits, which should be tabbed r easy reference.

e complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

itten requests for rehearing must be filed within ten days from the date of a cision and may be filed only by principals in the appeal. See Article 5, Section for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

A rican sign language interpreters will be available upon request. Please contact C herine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests w l be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (CHAPTER 67 OF THE S.F. ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 1, 1995
5:15 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **EXECUTIVE SESSION:** The Board of Permit Appeals to meet in an Executive Session (closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

ACTION: **CANCELLED** at request of Andrew Schwartz, Deputy City Attorney.

The regular meeting began at 5:30 p.m.

(2) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

Items (3), (5) and (7) were considered by the Board with no opposition from the departments or public. The Department of Building Inspection stipulated to reduce the penalties to two times the regular fees.

APPEAL NO. 95-127

3)
PAUL DAVIS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on August 28, 1995, for
[work done at 1547 Noe Street.
[APPLICATION NO. 9512657.
[FOR HEARING TODAY.

ACTION: Upon motion by President Alba, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $118.30 for a total of $236.60.

APPEAL NO. 95-128

(4)
CJSL, INC., dba "SUPER SIGHTSEEING TOURS", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 29, 1995, for work
[done at 2800 Leavenworth Street.
[APPLICATION NO. 9512746.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty b reduced to five times the regular fee of $215.80 for a total of $1,079.00.

SPEAKERS: Zeno Lopata, for appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-131

(5)
MARIA H. ALVAREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 31, 1995, for work
[done at 1455 - 21st Avenue.
[APPLICATION NO. 9508930.
[FOR HEARING TODAY.

ACTION: Upon motion by President Alba, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times th regular fee of $280.80 for a total of $561.60.

APPEAL NO. 95-132

(6)
HENRY KARNILOWICZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[August 30, 1995, for work
[done at 135 Capp Street.
[APPLICATION NO. 9505508.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Henry Karnilowicz, appellant; and James Hutchinson, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. 95-143

(7)
KAM SAU HO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on September 28, 1995,
[for work done at 400 Grafton Ave.
[APPLICATION NO. 9512377.
[FOR HEARING TODAY.

ACTION: Upon motion by President Alba, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $329.55 for a total of $659.10.

APPEAL NO. 95-108

COW HOLLOW NEIGHBORS IN ACTION,
Appellant
8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[the Presidio Wall at Lyon and
[Greenwich Streets.
[APPLICATION NO. 9507098.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** at hearing to **December 6, 1995** to allow the neighbors to respond to the City Attorney's letter stating that the Board has no jurisdiction over the sidewalk MUNI toilet permits and that permits are void because not required by law.

SPEAKERS: None.

APPEAL NO. 95-109

PACIFIC HEIGHTS RESIDENTS ASSOC.,
Appellant
9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 18,
[1995, to the Municipal Railway,
[permit to Erect a Building (Muni
[operator restroom) in front of
[2390 Jackson Street.
[APPLICATION NO. 9507100.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** at hearing to **December 6, 1995** to allow the neighbors to respond to the City Attorney's letter stating that the Board has no jurisdiction over the sidewalk MUNI toilet permits and that permits are void because not required by law.

SPEAKERS: None.

APPEAL NO. 95-122

MERRILL MECHAM, Appellant
10) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[3, 1995, to Steven Brown, permit
[to Alter a Building (remodel
[existing interior lower floor
[and ground floor, add two bedrooms
[and two baths above existing
[garage) at 4280A Army Street.
[APPLICATION NO. 9416744S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit. The appellant did not appear.

SPEAKERS: The permit holder was present but did not speak.

APPEAL NO. 95-129

(11)
MANUEL LLAMA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1995, to George and Irene
[Wallace, permit to Erect a
[Structure (three story single
[family dwelling) at 1884 - 8th
[Avenue.
[APPLICATION NO. 9217906S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit. The appellant left the hearing room before the item was called.

SPEAKER: George Wallace, permit holder.

APPEAL NO. 95-130

(12)
HEMLATA VYAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated August 15,
[1995 by the Zoning Administrator
[that the commercial use of the
[ground story of the building at
[600-610 Fillmore Street (790 Fell)
[was discontinued/abandoned for
[failure to comply with conditions
[of Planning Commission Motion
[11054 and that the ground story
[may only be used as accessory
[to the hotel use above.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **CONTINUE** the matter to **December 6, 1995** to allow the appellant to correct code violations and suggest an alternative use for the ground floor area.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; John Sucieh, Charles Schaffer, Sean Dowdall, in support of the Zoning Administrator; Leslie Katz, attorney for appellant; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Arvid Iyer, architect for appellant.

The Board recessed from 6:53 to 7:08 p.m.

APPEAL NO. 95-152

CLIFFORD GRAY, Appellant
(13) vs.
ZONING ADMINISTRATOR, Respondent

[Retraction of approvals of Altera-
[tion Building Permit Applications
[9408495 and 9507869 and the sus-
[pension of Application No. 9511232
[by the Zoning Administrator dated
[October 23, 1995 for alterations
[creating a restaurant at 1451
[Sanchez Street, for violation
[of Section 181(a) which prohibits
[expansion of nonconforming com-
[mercial floor area.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **CONTINUE** the matter to **November 15, 1995** for a privileged brief by the City Attorney's Office for legal issues involved.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Claire Pilcher, Gilbert Frenna, Abra Berkson, Bob Carroll, Paul Roberts, David Milazzo, Nicole Cuellar, Jim Pflaging, Vivian Sosa, Joseph Canedo, Anne Kirschner, Inez McClaren, Teresa Day, Deanna Kraft, Francine Lewis, Judith Litt, Georgia Finnigan, David Collin, in support of the Zoning Administrator; Alice Barkley, attorney for appellant; Clifford Gray, appellant; Gary Logan, appellant's partner; Stan Teng, architect for appellant; Charmaine Emory, Jody Stuart, John Powell, Belinda Dobbs, Dodie Smiley, Joe O'Donohue, Ray Van Hassel, Mrs. Milton Draper; Chuck Ayala, in support of appellant; and Judith Boyajian, Deputy City Attorney.

(14) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 9:30 p.m.

Robert H. Feldman
Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 8, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from 1300 - 26th Avenue Tenants Association requesting that the Board take jurisidiction over Building Permit Application No. 9505781 issued to GTE Mobilnet to install celluar telephone antennas on the roof of 1300 - 26th Avenue.

Date issued	April 20, 1995
Appeal period ended	May 5, 1995
Request for jurisdiction	October 30, 1995

APPEAL NO. 95-134

(3)
MARK E. ZIMMELMAN, dba "ZIMMELMAN & SONS", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on September 1, 1995, of
[Secondhand Dealer/Secondhand
[Dealer-State-Amendment permit
[at 201 Post Street.
[FOR HEARING TODAY.

Items (4A) through (4H) shall be heard together

APPEAL NO. 95-135

(4A)
CADY, KIRBY, ORRICK & BUTLER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-136

(4B)
CADY, KIRBY, ORRICK & BUTLER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

APPEAL NO. 95-137

(4C)
MARY ANN BIEWENER, Appellant,
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-138

(4D)
MARY ANN BIEWENER, Appellant,
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

APPEAL NO. 95-139

(4E)
MELINDA W. KAVANAGH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-140

(4F)
MELINDA W. KAVANAGH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

APPEAL NO. 95-141

(4G)
RUSSIAN HILL NEIGHBORS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-142

(4H)
RUSSIAN HILL NEIGHBORS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

(5) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

Date posted: November 2, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(CHAPTER 67 OF THE S.F. ADMINISTRATIVE CODE)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

Jennifer Schuler
CITYWATCH-Ch. 54
Main Public Library

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#3
11/8/95

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 8, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from 1300 - 26th Avenue Tenants Association requesting that the Board take jurisidiction over Building Permit Application No. 9505781 issued to GTE Mobilnet to install celluar telephone antennas on the roof of 1300 - 26th Avenue.

Date issued	April 20, 1995
Appeal period ended	May 5, 1995
Request for jurisdiction	October 30, 1995

ACTION: Upon motion by Commissioner Chan, the Board voted 4-0 to **EXCUSE** Vice President Murphy because her firm once represented GTE Mobilnet. Then after discussion, upon motion by Commissioner Felzer, the Board voted 3-1 (President Alba dissented) to **DENY** the request for jurisidiction.

SPEAKERS: Barbara Cowell, requestor; Peggy O'Laughlin, attorney for permit holder; Robert Passmore, Zoning Administrator for the Planning Department; and Judith Boyajian, Deputy City Attorney.

ice President Murphy left the dais at 5:40 p.m. before consideration of Item A and eturned at 6:13 p.m. before consideration of Item 3.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

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MINUTES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 8, 1995 (cont'd.)

APPEAL NO. 95-134

(3)
MARK E. ZIMMELMAN, dba "ZIMMELMAN & SONS", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on September 1, 1995, of
[Secondhand Dealer/Secondhand
[Dealer-State-Amendment permit
[at 210 Post Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **OVERRULE** the department with findings and **GRANT** the permit with the **CONDITION** that the appellant shall be on probation for one year.

SPEAKERS: Sergeants William Coggan and Raymond Mullane, S.F.P.D.; Adam Slote, attorney for appellant; and Mark Zimmelman, appellant.

The Board recessed from 7:23 to 7:40 p.m.

Items (4A) through (4H) were heard together

APPEAL NO. 95-135

(4A)
CADY, KIRBY, ORRICK & BUTLER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-136

(4B)
CADY, KIRBY, ORRICK & BUTLER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

APPEAL NO. 95-137

(4C)
MARY ANN BIEWENER, Appellant,
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-138

(4D)
MARY ANN BIEWENER, Appellant,
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

APPEAL NO. 95-139

(4E)
MELINDA W. KAVANAGH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-140

(4F)
MELINDA W. KAVANAGH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

APPEAL NO. 95-141

(4G)
RUSSIAN HILL NEIGHBORS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Demolish a Building
[at 2022 Hyde Street.
[APPLICATION NO. 9307543.
[FOR HEARING TODAY.

APPEAL NO. 95-142

(4H)
RUSSIAN HILL NEIGHBORS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[8, 1995, to Pacific Bay Holding,
[permit to Erect a Building (three
[dwelling units) at 2022 Hyde St.
[APPLICATION NO. 9307541S.
[FOR HEARING TODAY.

ACTION: The Board considered the demolition permit first. After discussion, upon motion with findings by Commissioner Bradstreet, the Board voted 4-1 (Vice President Murphy dissented) to **UPHOLD** the demolition permit. After further discussion, upon motion with findings by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the site permit with two conditions: (1) The concrete landing along the property line adjacent to 2018 Hyde Street (Lot 22) to south of the subject property, shall not exceed the level of the sills of the three side windows on the north wall of 2020 Hyde Street. The height of the landing cannot be more than flush with the three window sills; (2) the permit holder shall install a security gate to be locked from the inside and shall have an electronic beeper system, with a planted area in front of the gate. No recordation shall be required.

SPEAKERS: Joe Butler, Mary Ann Biewener, Melinda Kavanagh, Francisco Centurion, appellants; William Kostura, Joan Joaquin Wood, Bob Morrill, in opposition to the project; Shelia Starr, in support of permit holder; John McInerney, III, attorney for permit holder; John Walsh, architect for permit holder;

Alice Barkley, clarified the Planning Commission action; Robert Passmore Zoning Administrator for the Planning Department; and James Hutchinson Senior Building Inspector for the Department of Building Inspection.

(5) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:48 p.m.

Robert H Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Officia Court Reporter, (415) 456-9899.

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#2
11/15/95

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 15, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Letter from Michael Burke, attorney for George M. Mardikian Enterprises and Adiuvana-Invest, Inc., requesting the Board to expressly comply with the literal terms of the Writ and instruct the Planning Department on the scope of the Environmental Impact Report (EIR) and that the Board comply with the requirements of the California Enviornmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq., and focus the EIR solely on the contributions the project will make to cumulative transportation impacts on three specific Nob Hill intersections, the only additional environmental information the BPA stated it needed before it could decide whether to approve the project the first time it considered the appeals.

The Board of Permit Appeals held a public hearing on June 5, 1991 to scope the proposed EIR for the project and it adopted by a 5-0 vote the proposed scope submitted by the Enviornmental Review Officer with the addition of five alternative proposals to be discussed in it.

APPEAL NO. 95-152

(3) CLIFFORD GRAY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Retraction of approvals of Alteration Building Permit Applications 9408495 and 9507869 and the suspension of Application No. 9511232 by the Zoning Administrator dated October 23, 1995 for alterations creating a restaurant at 1451 Sanchez Street, for violation of Section 181(a) which prohibits expansion of nonconforming commercial floor area.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-078

(4) NATIONAL PARK SERVICE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 18, 1995, to JC Decaux United Street Furniture, permit to install a Public Service Kiosk at the NW corner of Hyde and Beach Streets.
[PERMIT NO. 94PSK-009.1.
[FOR REHEARING TODAY.

APPEAL NO. 95-125

(5) PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 14, 1995, to Peter P. Bogatsky, permit to Alter a Building (add two rooms and deck at second floor level, remove illegal kitchen units at ground floor, new storage shed in rear yard, new fence on rear and side property lines) at 2000 Ulloa Street.
[APPLICATION NO. 9309142S.
[FOR HEARING TODAY.

APPEAL NO. 95-144

(6) CITY CENTRAL HOMEOWNERS ASSN.,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on September
[20, 1995, to David Raynal, permit
[to remove and replace one tree
[in front of 1096 Eddy Street.
[ORDER NO. 169,120.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 95-145

(7A) MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Demolish a Building at 39-41
[Boardman Place.
[APPLICATION NO. 9416349.
[FOR HEARING TODAY.

APPEAL NO. 95-146

(7B) MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Erect a Building (14 live/work
[studios) at 39-41 Boardman Place.
[APPLICATION NO. 9416350S.
[FOR HEARING TODAY.

APPEAL NO. 95-147

(8) JEAN WARMBOLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[21, 1995, to Patrick Joy, permit
[to Erect a Building (four-story
[two-unit dwelling) at 3943 - 19th
[Street.
[APPLICATION NO. 9418656S.
[FOR HEARING TODAY.

(9) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: November 8, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 15, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: David Reese reported that the kiosk approved by BPA in front of his store at Fourth and Mission Streets still has no lights.

Harry O'Brien, attorney for JC Decaux indicated he would check with Mr. Nion on fulfilling the conditions of the BPA decision.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

ITEM A: Letter from Michael Burke, attorney for George M. Mardikian Enterprises and Adiuvana-Invest, Inc., requesting the Board to expressly comply with the literal terms of the Writ and instruct the Planning Department on the scope of the Environmental Impact Report (EIR) and that the Board comply with the requirements of the California Enviornmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq., and focus the EIR solely on the contributions the project will make to cumulative transportation impacts on three specific Nob Hill intersections, the only additional environmental information the BPA stated it needed before it could decide whether to approve the project the first time it considered the appeals.

The Board of Permit Appeals held a public hearing on June 5, 1991 to scope the proposed EIR for the project and it adopted by a 5-0 vote the proposed scope submitted by the Enviornmental Review Officer with the addition of five alternative proposals to be discussed in it.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5-0 to CONTINUE the matter to **November 29, 1995** for submission of transcript of the scoping hearing.

SPEAKERS: Michael Burke, attorney for project sponsor; Sue Hestor and Herbert Yanowitz, attorneys for neighbors; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 95-152

(3)
CLIFFORD GRAY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Retraction of approvals of Altera-
[tion Building Permit Applications
[9408495 and 9507869 and the sus-
[pension of Application No. 9511232
[by the Zoning Administrator dated
[October 23, 1995 for alterations
[creating a restaurant at 1451
[Sanchez Street, for violation
[of Section 181(a) which prohibits
[expansion of nonconforming com-
[mercial floor area.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion and findings by Vice President Murphy the Board voted 3-2 (Commissioners Chan and Felzer dissented) to UPHOL the Zoning Administrator.

SPEAKERS: David Lindsey, Planner for the Planning Department; Gary Logan and Clifford Gray, permit holders; and Robert Passmore, Zoning Administrato for the Planning Department.

The Board recessed from 7:48 to 8:02 p.m.

APPEAL NO. 95-078

(4)
NATIONAL PARK SERVICE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 18,
[1995, to JC Decaux United
[Street Furniture, permit to
[install a Public Service Kiosk
[at the NW corner of Hyde and
[Beach Streets.
[PERMIT NO. 94PSK-009.1.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote 3-2 (Commissioners Chan and Felzer dissented) to overrule the departmen and deny the permit. Four votes are needed and the permit is UPHELD.

SPEAKERS: John Cunane, Bill Thomas, and Stanley Albright, National Park Service David Reese, David Newcomer, Ethel Webster, Cathy Lohan, Christophe Cadelago, Micaela Donahoe, in support of appellant; Dan McKenna, Department of Public Works; and Harry O'Brien, attorney for permit holder.

APPEAL NO. 95-125

(5)
PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1995, to Peter P. Bogatsky,
[permit to Alter a Building (add
[two rooms and deck at second floor
[level, remove illegal kitchen
[units at ground floor, new
[storage shed in rear yard, new
[fence on rear and side property
[lines) at 2000 Ulloa Street.
[APPLICATION NO. 9309142S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **GRANT** jurisdiction over the new alteration permit. Then upon motion by Commissioner Chan, the Board voted 5-0 to allow testimony and to **CONTINUE** both matters to **December 6, 1995.**

SPEAKERS: Sue Hestor, attorney for appellant; Peter and Caterina Bogatsky, permit holders; Nancy Weese, in support of permit holder; Judith Boyajian, Deputy City Attorney; and Robert Passmore, Zoning Administrator for the Planning Department; and James Hutchinson, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 95-144

(6)
CITY CENTRAL HOMEOWNERS ASSN., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on September
[20, 1995, to David Raynal, permit
[to remove and replace one tree
[in front of 1096 Eddy Street.
[ORDER NO. 169,120.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the replacement tree shall be planted on the recommendation of the Department of Public Works with the largest tree possible to be used, and that the permit holder shall properly maintain the tree for a minimum of two years.

SPEAKERS: David and Celeste Friedman, appellants; Dan McKenna, Department of Public Works; and Steven Fields, Progress Foundation for permit holder.

Items (7A) and (7B) were heard together

APPEAL NO. 95-145

7A)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Demolish a Building at 39-41
[Boardman Place.
[APPLICATION NO. 9416349.
[FOR HEARING TODAY.

APPEAL NO. 95-146

(7B)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Erect a Building (14 live/work
[studios) at 39-41 Boardman Place.
[APPLICATION NO. 9416350S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 4-1 (Commissioner Felzer dissented) to **CONTINUE** the matter to **November 29, 1995.**

SPEAKERS: Sue Hestor, attorney for appellant; and Alice Barkley, attorney for permit holder.

APPEAL NO. 95-147

(8)
JEAN WARMBOLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[21, 1995, to Patrick Joy, permit
[to Erect a Building (four-story
[two-unit dwelling) at 3943 - 19th
[Street.
[APPLICATION NO. 9418656S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **CONTINUE** the matter to **November 29, 1995** on the recommendation of Mr. Passmore in order to allow time for a modification of plans in compliance with the front height measurement standards of the Planning Code.

SPEAKERS: Charles Kridler, for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Kenneth Weisinger, and Steve Hall, in support of appellant.

(9) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:39 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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11/29/95

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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 29, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Merrill Mecham, appellant, requesting rehearing of Appeal No. 95-122, 4280A Army Street. Hearing November 1, 1995. Upon motion by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit. The appellant did not appear.

REQUEST FOR BOARD TO RESCOPE EIR:

ITEM B: Letter from Michael Burke, attorney for George M. Mardikian Enterprises and Adiuvana-Invest, Inc., requesting the Board to expressly comply with the literal terms of the Writ and instruct the Planning Department on the scope of the Environmental Impact Report (EIR) and that the Board comply with the requirements of the California Enviornmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq., and focus the EIR solely on the contributions the project (959 Powell Street) will make to cumulative transportation impacts on three specific Nob Hill intersections, the only additional environmental information the BPA stated it needed before it could decide whether to approve the project the first time it considered the appeals.

The Board of Permit Appeals held a public hearing on June 5, 1991 to scope the proposed EIR for the project and it adopted by a 5-0 vote the proposed scope submitted by the Enviornmental Review Officer with the addition of five alternative proposals to be discussed in it.

REQUEST FOR JURISDICTION:

ITEM C: Letter dated November 14, 1995 from Albert Lannon of City College of San Francisco, requesting that the Board take jurisdiction over Police Department approval for New Yellow Cab Cooperative, Inc. to provide a taxicab driver training course pursuant to Police Code Section 1147.1.

APPEAL NO. 95-147

(3) JEAN WARMBOLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[21, 1995, to Patrick Joy, permit
[to Erect a Building (four-story
[two-unit dwelling) at 3943 - 19th
[Street.
[APPLICATION NO. 9418656S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. V95-088

(4) LISA A. BURKE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 22, 1995, of
[Off-Street Parking Variance (to
[allow the addition of a second
[dwelling unit on the ground
[floor of the existing two-story
[over basement single-family
[dwelling, with no expansion of
[the existing structure proposed)
[for property at 86 Mars Street.
[VARIANCE CASE NO. 95.092V.
[FOR REHEARING TODAY.

APPEAL NO. 95-150

(5)
DOMINIC J. FARRELLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 23, 1995,
[for work done at 333-35 Pierce
[Street.
[APPLICATION NO. 9511700.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

APPEAL NO. 95-145

(6A)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Demolish a Building at 39-41
[Boardman Place.
[APPLICATION NO. 9416349.
[FOR HEARING TODAY.

APPEAL NO. 95-146

(6B)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Erect a Building (14 live/work
[studios) at 39-41 Boardman Place.
[APPLICATION NO. 9416350S.
[FOR HEARING TODAY.

APPEAL NO. 95-149

(7)
ANCHOR BREWING COMPANY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[2, 1995, to Christian and
[Carolyn Barbe, permit to Erect
[a Building (three-stories with
[seven live/work units) at
[370 DeHaro Street.
[APPLICATION NO. 9310051S.
[FOR HEARING TODAY.

APPEAL NO. 95-151

(8)
1300 - 26TH AVE. TENANTS ASSN.,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 13,
[1995 that no action would be
[taken by the Planning Department
[on Building Permit Application
[No. 9505781 issued April 20, 1995
[for installation of GTE Mobilnet
[celluar telephone antennas on
[the roof elevator penthouse of
[the apartment house at 1300 -
[26th Avenue for the reason that
[the policy of the Department at
[that time was to approve such
[permits as accessory and minor
[uses to the principal use of
[the building as multi-family
[residential.
[FOR HEARING TODAY.

(9) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: November 22, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

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REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6075.

CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 29, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Joan MacQuarrie, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Robert Feldman, Executive Director, swore in all those who intended to testify during the meeting because the Official Court Reporter had laryngitis.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Patricia Vaughey reported that the Public Transportation hearings on the Muni toilets was continued to December 14 and gave an overview on celluar phone antennas in the City and the danger they may cause.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Merrill Mecham, appellant, requesting rehearing of Appeal No. 95-122, 4280A Army Street. Hearing November 1, 1995. Upon motion by Commissioner Bradstreet, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit. The appellant did not appear.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Merrill Mecham, appellant; and Steven Brown, permit holder.

REQUEST FOR BOARD TO RESCOPE EIR:

ITEM B: Letter from Michael Burke, attorney for George M. Mardikian Enterprises and Adiuvana-Invest, Inc., requesting the Board to expressly comply with the literal terms of the Writ and instruct the Planning Department on the scope of the Environmental Impact Report (EIR) and that the Board comply with the requirements of th California Enviornmental Quality Act (CEQA), California Public Resources Code Sectio 21000 et seq., and focus the EIR solely on the contributions the project (959 Powel Street) will make to cumulative transportation impacts on three specific Nob Hil intersections, the only additional environmental information the BPA stated it neede before it could decide whether to approve the project the first time it considere the appeals.

The Board of Permit Appeals held a public hearing on June 5, 1991 to scope the proposed EIR for the project and it adopted by a 5-0 vote the proposed scope submitte by the Enviornmental Review Officer with the addition of five alternative proposal to be discussed in it.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 3- (Vice President Murphy and Commissioner Bradstreet dissented) to correc the earlier Board decision scoping the EIR for the project. The partie shall submit by December 7 a Status Request to report on what they wil produce at the correction hearing which will be scheduled in early January, 1996.

SPEAKER: Judith Boyajian, Deputy City Attorney, in response to questions by th Board.

REQUEST FOR JURISDICTION:

ITEM C: Letter dated November 14, 1995 from Albert Lannon of City College of Sa Francisco, requesting that the Board take jurisdiction over Police Department approva for New Yellow Cab Cooperative, Inc. to provide a taxicab driver training cours pursuant to Police Code Section 1147.1.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 5-0 to **DENY** the request for jurisidiction. The requestor did not appear.

SPEAKER: Sergeant William Coggan, S.F.P.D.

APPEAL NO. 95-147

JEAN WARMBOLD, Appellant
(3) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[21, 1995, to Patrick Joy, permit
[to Erect a Building (four-story
[two-unit dwelling) at 3943 - 19th
[Street.
[APPLICATION NO. 9418656S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vote 3-2 (Vice President Murphy and Commissioner Bradstreet dissented) t **UPHOLD** the department and **GRANT** the permit with modified plans.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jea Warmbold, appellant; Bob Gressens, Robert Hood, Henry Karnilowicz, Geoffrey Wong, Lee Jenkins, Carol Riccerri, Don Dearth, Charles Kridler in support of the appellant; Gary Gee, architect for permit holder; an Charles Breidinger and Dan Sullivan, in support of the project.

The Board recessed from 7:33 to 7:53 p.m.

APPEAL NO. V95-088

(4)
LISA A. BURKE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 22, 1995, of
[Off-Street Parking Variance (to
[allow the addition of a second
[dwelling unit on the ground
[floor of the existing two-story
[over basement single-family
[dwelling, with no expansion of
[the existing structure proposed)
[for property at 86 Mars Street.
[VARIANCE CASE NO. 95.092V.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board voted 3-2 (President Alba and Vice President Murphy dissented) overrule the department and grant the variance. Four votes are needed and the motion failed. The denial is **UPHELD**.

SPEAKERS: Lisa Burke, appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Reid Condit, in support of the Zoning Administrator.

APPEAL NO. 95-150

(5)
DOMINIC J. FARRELLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on October 23, 1995,
[for work done at 333-35 Pierce
[Street.
[APPLICATION NO. 9511700.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 4-1 (Commissioner Bradstreet dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $167.05 for a total of $334.10.

SPEAKERS: Dominic Farrelly, appellant; and Joan MacQuarrie, Senior Building Inspector for the Department of Building Inspection.

Items (6A) and (6B) were heard together

APPEAL NO. 95-145

6A)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Demolish a Building at 39-41
[Boardman Place.
[APPLICATION NO. 9416349.
[FOR HEARING TODAY.

MINTUES OF THE BOARD OF PERMIT APPEALS, NOVEMBER 29, 1995 (cont'd.)

APPEAL NO. 95-146

(6B)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Erect a Building (14 live/work
[studios) at 39-41 Boardman Place.
[APPLICATION NO. 9416350S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chan, the Board voted 5-0 to **CONTINUE** the matter to **December 6, 1995** due to the illness of Sue Hestor, attorney for appellant's estate.

SPEAKER: Alice Barkley, attorney for permit holder.

APPEAL NO. 95-149

(7)
ANCHOR BREWING COMPANY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[2, 1995, to Christian and
[Carolyn Barbe, permit to Erect
[a Building (three-stories with
[seven live/work units) at
[370 DeHaro Street.
[APPLICATION NO. 9310051S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the Notice of Special Restrictions be amended with an insertion of language to assure that prospective occupants acknowledge and agree that the zoning of the property is for industrial use and the uses permitted there generate industrial noise, odors, dust, glare and traffic accordingly 24 hours a day and such uses are subject to alterations and intensifications in the future. Final language of the Notice to be approved by the Zoning Administrator.

SPEAKERS: Richard Harrington, attorney for appellant; Larvee Joe, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; David Cincotta, attorney for permit holders; and Edward Gossage and Christian Barbe, permit holders.

APPEAL NO. 95-151

(8)
1300 - 26TH AVE. TENANTS ASSN.,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated October 13,
[1995 that no action would be
[taken by the Planning Department
[on Building Permit Application
[No. 9505781 issued April 20, 1995
[for installation of GTE Mobilnet
[celluar telephone antennas on
[the roof elevator penthouse of
[the apartment house at 1300 -
[26th Avenue for the reason that
[the policy of the Department at
[that time was to approve such
[permits as accessory and minor
[uses to the principal use of
[the building as multi-family
[residential.
[FOR HEARING TODAY.

ACTION: Upon motion by President Alba, the Board voted 4-0 to **EXCUSE** Vice President Murphy because of a conflict of interest. Then after discussion, upon motion by Commissioner Bradstreet, the Board voted 4-0 (Vice President Murphy excused) to **CONTINUE** the matter to **January 10, 1996** to allow time for the permit holder to meet with the tenants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Barbara Cowell, appellant; and Peggy O'Laughlin, attorney for permit holder.

(9) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:18 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

City Librarian
Document Section, Main Library
Attn: Jerry Roth
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MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 6, 1995

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

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(1) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Marsha Garland, Executive Director for North Beach Chamber of Commerce, requesting that the Board take jurisdiction over Building Permit Application No. 9507504 to convert an existing theater at 1741 Powell Street into a theater with retail shopping.

Date permit issued	August 25, 1995
Appeal period ended	September 11, 1995
Request for jurisdiction	November 22, 1995

REQUEST FOR REHEARING:

ITEM B: Letter from Alice Suet Yee Barkley, attorney for appellant, requesting rehearing of Appeal No. 95-152, 1451 Sanchez Street. Hearing November 15, 1995. Upon motion and findings by Vice President Murphy, the Board voted 3-2 (Commissioners Chan and Felzer dissented) to UPHOLD the Zoning Administrator.

Items (3A) and (3B) shall be heard together

APPEAL NO. 95-125

(3A)
PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1995, to Peter P. Bogatsky,
[permit to Alter a Building (add
[two rooms and deck at second floor
[level, remove illegal kitchen
[units at ground floor, new
[storage shed in rear yard, new
[fence on rear and side property
[lines) at 2000 Ulloa Street.
[APPLICATION NO. 9309142S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-171

(3B)
PATRICK & EILEEN O'SULLIVAN,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on October
[31, 1995, to Peter P. Bogatsky,
[permit to Alter a Building
[(revised drawings to reflect fire
[escape stair from second floor)
[at 2000 Ulloa Street.
[APPLICATION NO. 9518346.
[FOR HEARING TODAY.

APPEAL NO. 95-130

(4)
HEMLATA VYAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated August 15,
[1995 by the Zoning Administrator
[that the commercial use of the
[ground story of the building at
[600-610 Fillmore Street (790 Fell)
[was discontinued/abandoned for
[failure to comply with conditions
[of Planning Commission Motion
[11054 and that the ground story
[may only be used as accessory
[to the hotel use above.
[FOR FURTHER HEARING TODAY.

Items (5A) and (5B) shall be heard together

APPEAL NO. 95-145

(5A)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Demolish a Building at 39-41
[Boardman Place.
[APPLICATION NO. 9416349.
[FOR HEARING TODAY.

APPEAL NO. 95-146

(5B)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Erect a Building (14 live/work
[studios) at 39-41 Boardman Place.
[APPLICATION NO. 9416350S.
[FOR HEARING TODAY.

Items (6A), (6B), (6C), (6D) and (6E) shall be heard together

APPEAL NO. 95-156

(6A)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald,
[permit to Demolish a Building
[at 31 - 43 Hancock Street.
[APPLICATION NO. 9415142.
[FOR HEARING TODAY.

APPEAL NO. 95-157

(6B)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,320 s.f. ground
[floor area) at 31 Hancock Street.
[APPLICATION NO. 9412496S.
[FOR HEARING TODAY.

APPEAL NO. 95-158

(6C)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,244 s.f. ground
[floor area) at 37 Hancock Street.
[APPLICATION NO. 9415141S.
[FOR HEARING TODAY.

APPEAL NO. 95-159

(6D)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 39 Hancock Street.
[APPLICATION NO. 9503499S.
[FOR HEARING TODAY.

APPEAL NO. 95-160

(6E)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 43 Hancock Street.
[APPLICATION NO. 9503500S.
[FOR HEARING TODAY.

APPEAL NO. V95-155

(7) CHRISTOPHER D. COOK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 26, 1995, of
[Rear Yard and Front Setback
[Variance (to construct a two-
[story over garage, single family
[dwelling on an existing vacant
[lot) for property at 600 - 30th
[Street.
[VARIANCE CASE NO. 95128V.
[FOR HEARING TODAY.

(8) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: November 30, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 6, 1995
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Angela Bradstreet.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKER: Alexander Shapiro requested that the appeals for 21st and Sanchez Streets be moved to January 10, 1996. The request was not granted but Mr. Shapiro was given until December 11 at 4:00 p.m. to submit written material.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Marsha Garland, Executive Director for North Beach Chamber of Commerce, requesting that the Board take jurisdiction over Building Permit Application No. 9507504 to convert an existing theater at 1741 Powell Street into a theater with retail shopping.

Date permit issued	August 25, 1995
Appeal period ended	September 11, 1995
Request for jurisdiction	November 22, 1995

ACTION: After discussion, upon motion by Commissioner Felzer, the Board voted 2-2 (Vice President Murphy and Commissioner Chan dissented) to **DENY** the request.

SPEAKERS: Hanna Suleiman, requestor; and Dan Sullivan, for permit holder.

REQUEST FOR REHEARING:

ITEM B: Letter from Alice Suet Yee Barkley, attorney for appellant, requesting r hearing of Appeal No. 95-152, 1451 Sanchez Street. Hearing November 15, 1995. Up motion and findings by Vice President Murphy, the Board voted 3-2 (Commissione Chan and Felzer dissented) to **UPHOLD** the Zoning Administrator.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vot 3-1 (Commissioner Felzer dissented) to **DENY** the request for rehearing.

SPEAKERS: Jack Wholey, attorney for permit holder; Robert Passmore, Zoning Admi istrator for the Planning Department; and Pedro Arce, Planner for t Planning Department.

Items (3A) and (3B) were heard together

APPEAL NO. 95-125

(3A)
PATRICK O'SULLIVAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1995, to Peter P. Bogatsky,
[permit to Alter a Building (add
[two rooms and deck at second floo
[level, remove illegal kitchen
[units at ground floor, new
[storage shed in rear yard, new
[fence on rear and side property
[lines) at 2000 Ulloa Street.
[APPLICATION NO. 9309142S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 95-171

(3B)
PATRICK & EILEEN O'SULLIVAN,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on October
[31, 1995, to Peter P. Bogatsky,
[permit to Alter a Building
[(revised drawings to reflect fire
[escape stair from second floor)
[at 2000 Ulloa Street.
[APPLICATION NO. 9518346.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer and findings l Vice President Murphy, the Board voted 4-0 to **UPHOLD** the department a **GRANT** the permits with **CONDITIONS**: (1) guardrail to be reduced in heig to 44 inches as set forth in Director Chiu's letter of December 15, 199 (2) pole ladder is approved; (3) DBI must be satisfied that the three-fo side yard setback and any lot line windows are in compliance with t standards of the S.F. Building Code; (4) any variances required unde the Planning Code must be obtained as determined by the Planning Depar ment.

SPEAKERS: Sue Hestor, attorney for appellants; Joe O'Donohue, in opposition the project; Robert Passmore, Zoning Administrator for the Planning D partment; Peter Bogatsky, permit holder; Bob Mills and Helen Harriso in support of permit holders; and Harvey Hacker, architect for perm holders.

MINUTES OF THE BOARD OF PERMIT APPEALS, DECEMBER 6, 1995 (cont'd.)

The Board recessed from 7:40 to 8:06 p.m.

APPEAL NO. 95-130

(4)
HEMLATA VYAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated August 15,
[1995 by the Zoning Administrator
[that the commercial use of the
[ground story of the building at
[600-610 Fillmore Street (790 Fell)
[was discontinued/abandoned for
[failure to comply with conditions
[of Planning Commission Motion
[11054 and that the ground story
[may only be used as accessory
[to the hotel use above.
[FOR FURTHER HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Leslie R. Katz, attorney for appellant.

Items (5A) and (5B) were heard together

APPEAL NO. 95-145

(5A)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Demolish a Building at 39-41
[Boardman Place.
[APPLICATION NO. 9416349.
[FOR HEARING TODAY.

APPEAL NO. 95-146

(5B)
MICHAEL WARD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[19, 1995, to Gerard Deane, permit
[to Erect a Building (14 live/work
[studios) at 39-41 Boardman Place.
[APPLICATION NO. 9416350S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer and findings by Vice President Murphy, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: Sue Hestor, attorney for appellant's estate; Robert Passmore, Zoning Administrator for the Planning Department; Jack Wholey, attorney for permit holder; and Joe O'Donohue, in support of permit holder.

Items (6A), (6B), (6C), (6D) and (6E) were heard together

APPEAL NO. 95-156

(6A)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald,
[permit to Demolish a Building
[at 31 - 43 Hancock Street.
[APPLICATION NO. 9415142.
[FOR HEARING TODAY.

APPEAL NO. 95-157

COMMITTEE TO SAVE HANCOCK STREET,
Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,320 s.f. ground
[floor area) at 31 Hancock Street.
[APPLICATION NO. 9412496S.
[FOR HEARING TODAY.

APPEAL NO. 95-158

COMMITTEE TO SAVE HANCOCK STREET,
Appellant
(6C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,244 s.f. ground
[floor area) at 37 Hancock Street.
[APPLICATION NO. 9415141S.
[FOR HEARING TODAY.

APPEAL NO. 95-159

COMMITTEE TO SAVE HANCOCK STREET,
Appellant
(6D) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 39 Hancock Street.
[APPLICATION NO. 9503499S.
[FOR HEARING TODAY.

APPEAL NO. 95-160

COMMITTEE TO SAVE HANCOCK STREET,
Appellant
(6E) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 43 Hancock Street.
[APPLICATION NO. 9503500S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4- to **CONTINUE** consideration to **December 13, 1995** with no additional ma terials accepted or public testimony to be taken at the next meeting.

SPEAKERS: Randy Block, attorney for appellant; Bob Wendorf, architect for appellan Charlene Brown, Greg Gonzalez, Katie Kitay, Dennis Richards, Henry Ka nilowicz, Amy Powell, Brian Street, Greg Ott, Don Dearth, in oppositi to the project; Robert Passmore, Zoning Administrator for the Plannin Department; Drake Gardner, designer for permit holder; and Jo Kerlinsk Joe O'Donohue, in support of the permit holder.

The Public Hearing on this matter was CLOSED.

APPEAL NO. V95-155

CHRISTOPHER D. COOK, Appellant
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 26, 1995, of
[Rear Yard and Front Setback
[Variance (to construct a two-
[story over garage, single family
[dwelling on an existing vacant
[lot) for property at 600 - 30th
[Street.
[VARIANCE CASE NO. 95128V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Felzer and findings by Vice President Murphy, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance with the following **CONDITIONS**: (1) the plans shall be revised to reduce the floor to ceiling height of the rooms to eight feet; (2) no parapet will be used to keep roof lines as low as possible; and (3) the modified plans submitted for this appeal shall replace the plans originally filed with the variance application.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jimmy Jen, designer for project; and Ken Menosco, property owner.

(8) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

There being no further business, President Alba adjourned the meeting at 10:28 p.m.

Robert H Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 13, 1995
5:15 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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(1) **EXECUTIVE SESSION:** The Board of Permit Appeals shall meet in an Executive Session (closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

Regular meeting shall begin at 5:30 p.m.

(2) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Prehearing Status Statements from parties to assist Board in scheduling a hearing in early January 1996 to correct the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets (Appeal Nos. 88-293, 294, 295).

REQUEST FOR JURSIDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from Norman Lew, attorney for Ma Estates, requesting that the Board take jurisdiction over rear yard and front setback variances granted to Charles Bloszles, architect for Robert Wood, owner of property at 2099 Pacific Avenue.

Variance granted	November 20, 1995
Last day to appeal	November 30, 1995
Request for jurisdiction	December 1, 1995

Items (3A), (3B), (3C), (3D) and (3E) shall be heard together. Public hearing was held and closed December 6, 1995.

APPEAL NO. 95-156

(3A)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald,
[permit to Demolish a Building
[at 31 - 43 Hancock Street.
[APPLICATION NO. 9415142.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-157

(3B)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permit
[to Erect a Building (three-unit
[condo with 1,320 s.f. ground
[floor area) at 31 Hancock Street.
[APPLICATION NO. 9412496S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-158

(3C)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permit
[to Erect a Building (three-unit
[condo with 1,244 s.f. ground
[floor area) at 37 Hancock Street.
[APPLICATION NO. 9415141S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-159

(3D)
COMMITTEE TO SAVE HANCOCK STREET, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permit
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 39 Hancock Street.
[APPLICATION NO. 9503499S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-160

(3E)
COMMITTEE TO SAVE HANCOCK STREET, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permit
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 43 Hancock Street.
[APPLICATION NO. 9503500S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-166

(4)
KEN SHUM, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 6, 1995,
[of Public Passenger Vehicle
[Driver permit.
[BADGE NO. 34507.
[FOR HEARING TODAY.

APPEAL NO. 95-075

(5)
HARSCH INVESTMENT CORP., dba "ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit
[to convert rooms from residential
[to tourist use under Hotel Conver-
[sion Ordinance Section 41.13(d)
[for failure to pay one-for-one
[replacement fee for hotel at
[417 Stockton Street.
[FOR HEARING TODAY.

APPEAL NO. 95-161

(6)
VIRGINIA V. LOPEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 8, 1995, for work
[done at 2408 Bryant Street.
[APPLICATION NO. 9411803.
[FOR HEARING TODAY.

APPEAL NO. 95-165

(7)
SANDRA AMES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 13, 1995, for work
[done at 3326 Jackson Street.
[APPLICATION NO. 9508643.
[FOR HEARING TODAY.

APPEAL NO. V95-162

(8)
PATRICK M. McNERNEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on October
[31, 1995, to Guy Stiles, Off-Stree
[Parking Variance (to construct
[a mezzanine space of 2,185 s.f.
[within an existing dance hall
[and bar facility) for property
[at 177 Townsend Street.
[VARIANCE CASE NO. 95.367V.
[FOR HEARING TODAY.

Items (9A), (9B), (9C), (9D) and (9E) shall be heard together

APPEAL NO. 95-177

(9A)
ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Demolish a Building
[at 3701 - 21st Street.
[APPLICATION NO. 9504442.
[FOR HEARING TODAY.

APPEAL NO. 95-178

(9B)
ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[818 Sanchez Street.
[APPLICATION NO. 9502423S.
[FOR HEARING TODAY.

APPEAL NO. 95-179

(9C)
ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3701 - 21st Street.
[APPLICATION NO. 9504443S.
[FOR HEARING TODAY.

APPEAL NO. 95-180

(9D)
ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3707 - 21st Street.
[APPLICATION NO. 9504444S.
[FOR HEARING TODAY.

APPEAL NO. 95-181

(9E)
ALEXANDER R. SHAPIRO, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3717 - 21st Street.
[APPLICATION NO. 9504445S.
[FOR HEARING TODAY.

(10) **PUBLIC COMMENT**: Presentation is limited to three (3) minutes for each speaker.

Date posted: December 7, 1995

MEMBERS OF THE BOARD OF PERMIT APPEALS

WAYNE H. ALBA	PRESIDENT
MARY G. MURPHY	VICE PRESIDENT
ANGELA M. BRADSTREET	COMMISSIONER
DOUGLAS S. CHAN	COMMISSIONER
IKE FELZER	COMMISSIONER

DORIS LEVINE - OFFICIAL COURT REPORTER 456-9899

THE PRESIDING OFFICER WILL CALL A RECESS AT APPROXIMATELY 7:00 P.M. AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE HEARING REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven (7) minutes for their presentation and three (3) minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven (7) minutes for oral argument and three (3) minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal, and the permit holder shall be allowed seven (7) minutes to present oral argument and three (3) minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three (3) minutes.

SPECIAL NOTES

All original submittals must be accompanied by nine copies and be received at the Board office no later than the Thursday prior to the public hearing.

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

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Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Permit Appeals
Robert H. Feldman, Executive Director
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 13, 1995
5:15 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

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PRESENT: President Wayne Alba, Vice President Mary Murphy, Commissioners Angela Bradstreet, Douglas Chan and Ike Felzer.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; James Hutchinson, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

Doris Levine, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **EXECUTIVE SESSION:** The Board of Permit Appeals shall meet in an Executive Session (closed to public) at 5:15 p.m. in Room 428, 401 Van Ness Avenue, to discuss with counsel the pending litigation below under California Government Code §54956.9(a).

Vice President Murphy has been excused from participating in this matter and was not present.

Harsch Investment Corp. vs. CCSF
Superior Court No. 962445

ACTION: Briefing on status of litigation. No action taken.

SPEAKERS: Kate Stacy and Andrew Schwartz, Deputy City Attorneys.

Regular meeting began at 5:50 p.m.

(2) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: Patricia Vaughey expressed her concerns over safety of cellular phone antennas and the Bureau of Building Inspection review of permits for antennas.

Commissioner Felzer complimented Senior Building Inspector James Hutchinson on helping in the sinkhole matter this week.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Prehearing Status Statements from parties to assist Board in scheduling a hearing in early January 1996 to correct the scoping of an EIR for the project at 959 Powell and 8 Wetmore Streets (Appeal Nos. 88-293, 294, 295).

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 5 to schedule Mr. Yanowitz's motion against a rescoping on **January 3, 199** and, if the request is denied, to schedule the hearing to correct t scoping of the EIR for the meeting of **January 10, 1996.**

SPEAKERS: Herbert Yanowitz and Sue Hestor, attorneys for neighbors; and Micha Burke, attorney for project sponsor.

REQUEST FOR JURSIDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from Norman Lew, attorney for Ma Estates, requesting that the Boa take jurisdiction over rear yard and front setback variances granted to Charles Blo zles, architect for Robert Wood, owner of property at 2099 Pacific Avenue.

Variance granted	November 20, 1995
Last day to appeal	November 30, 1995
Request for jurisdiction	December 1, 1995

ACTION: After discussion, upon motion by Commissioner Felzer, the Board vot 4-1 (Commissioner Chan dissented) to GRANT the request for jurisdicti and scheduled it for hearing on **January 3, 1996.**

SPEAKERS: Norman Lew, attorney for requestors; Daniel Conrad, attorney for proper owner; and Robert Wood, property owner.

Items (4A), (4B), (4C), (4D) and (4E) were heard together. Public hearing was held a closed December 6, 1995.

APPEAL NO. 95-156

COMMITTEE TO SAVE HANCOCK STREET, Appellant
(4A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald,
[permit to Demolish a Building
[at 31 - 43 Hancock Street.
[APPLICATION NO. 9415142.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-157

COMMITTEE TO SAVE HANCOCK STREET, Appellant
(4B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,320 s.f. ground
[floor area) at 31 Hancock Street.
[APPLICATION NO. 9412496S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-158

COMMITTEE TO SAVE HANCOCK STREET, Appellant
(4C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permi
[to Erect a Building (three-unit
[condo with 1,244 s.f. ground
[floor area) at 37 Hancock Street.
[APPLICATION NO. 9415141S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-159

(4D)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permit
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 39 Hancock Street.
[APPLICATION NO. 9503499S.
[FOR FURTHER CONSIDERATION TODAY.

APPEAL NO. 95-160

(4E)
COMMITTEE TO SAVE HANCOCK STREET,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[23, 1995, to Tom MacDonald, permit
[to Erect a Building (three-unit
[condo with 1,575 s.f. ground
[floor area) at 43 Hancock Street.
[APPLICATION NO. 9503500S.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 3-2 (President Alba and Commissioner Felzer dissented) to **UPHOLD** the department and grant the permit with conditions. Four votes are needed to impose conditions. Then upon motion by Commissioner Felzer, the Board voted 5-0 to **UPHOLD** the departments and **GRANT** the permits with **CONDITIONS** requiring (1) cornices on the four houses shall be varied as shown on Alternative A of sheet submitted by appellants' attorney Randy Block; (2) entryways and bay windows shall be of as varied designs as possible; and (3) the four houses shall be painted four different colors.

SPEAKERS: None.

APPEAL NO. 95-166

(5)
KEN SHUM, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 6, 1995,
[of Public Passenger Vehicle
[Driver permit.
[BADGE NO. 34507.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant on December 11, 1995.

APPEAL NO. 95-075

(6)
HARSCH INVESTMENT CORP., dba
"ALLISON HOTEL", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on May 11, 1995, of permit
[to convert rooms from residential
[to tourist use under Hotel Conver-
[sion Ordinance Section 41.13(d)
[for failure to pay one-for-one
[replacement fee for hotel at
[417 Stockton Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chan, the Board voted 4- (Vice President Murphy recused) to **CONTINUE** the matter to **January** **1996** on advice of the City Attorney's office. An Executive Session sha be scheduled at 5:15 p.m. January 3 for advice from the City Attorney office on this matter which is the subject of litigation.

SPEAKERS: Paul Utrecht and Andrew Zacks, attorneys for appellant; and Judith Boya jian and Kate Stacy, Deputy City Attorneys.

APPEAL NO. 95-161

(7)
VIRGINIA V. LOPEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 8, 1995, for work
[done at 2408 Bryant Street.
[APPLICATION NO. 9411803.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board vote 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Virginia Lopez, appellant; and James Hutchinson, Senior Building Inspect for the Bureau of Building Inspection.

APPEAL NO. 95-165

(8)
SANDRA AMES, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[November 13, 1995, for work
[done at 3326 Jackson Street.
[APPLICATION NO. 9508643.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Bradstreet, the Board vote 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty reduced to six times the regular fee for work totaling $5,000.00.

SPEAKERS: John Petersen, agent for appellant; Robert Passmore, Zoning Administrat for the Planning Department; Sandra Ames, appellant; and James Hutchinso Senior Building Inspector for the Bureau of Building Inspection.

The Board recessed from 7:53 to 8:11 p.m.

APPEAL NO. V95-162

(9)
PATRICK M. McNERNEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on October
[31, 1995, to Guy Stiles, Off-Stre
[Parking Variance (to construct
[a mezzanine space of 2,185 s.f.
[within an existing dance hall
[and bar facility) for property
[at 177 Townsend Street.
[VARIANCE CASE NO. 95.367V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Murphy, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance with four **CONDITIONS:** (1) Condition 4 in the variance decision shall be amended to read "500-foot radius" instead of 100 feet. (2) The existing parking lot shall be restriped for 17 spaces by the variance holder. (3) The variance holder shall be required to inform neighbors within a 500-foot radius of Club Townsend of special events; (4) The Club shall designate a community liaison employee as a contact for neighbors and shall give the name and telephone number of that employee to the Planning Department and to Southern Station of S.F.P.D.

SPEAKERS: John McInerney, attorney for appellant; Scott Pelichoff, architect for appellant; Ron Kaufman and Edgar Katneros, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Eric Miller, attorney for property owners; Ty Dakota, property owner; and Officer Dan O'Shea, Police Department; David Boyer, in support of Club Townsend.

The Board recessed from 9:18 to 9:24 p.m.

Items (10A), (10B), (10C), (10D) and (10E) were heard together

APPEAL NO. 95-177

ALEXANDER R. SHAPIRO, et al., Appellants
(10A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Demolish a Building
[at 3701 - 21st Street.
[APPLICATION NO. 9504442.
[FOR HEARING TODAY.

APPEAL NO. 95-178

ALEXANDER R. SHAPIRO, et al., Appellants
(10B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[818 Sanchez Street.
[APPLICATION NO. 9502423S.
[FOR HEARING TODAY.

APPEAL NO. 95-179

ALEXANDER R. SHAPIRO, et al., Appellants
(10C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3701 - 21st Street.
[APPLICATION NO. 9504443S.
[FOR HEARING TODAY.

APPEAL NO. 95-180

ALEXANDER R. SHAPIRO, et al., Appellants
(10D) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3707 - 21st Street.
[APPLICATION NO. 9504444S.
[FOR HEARING TODAY.

APPEAL NO. 95-181

ALEXANDER R. SHAPIRO, et al., Appellants
(10E) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[9, 1995, to McGee Construction,
[permit to Erect a Building
[(single-family dwelling) at
[3717 - 21st Street.
[APPLICATION NO. 9504445S.
[FOR HEARING TODAY.

Commissioner Bradstreet recused herself because of conflict of interest and lef the hearing room at 9:27 p.m. On motion by Commissioner Chan, the Board voted 5- to excuse Commissioner Bradstreet.

ACTION: After discussion of Mr. Block's request for rescheduling to January 10 1996, upon motion by Vice President Murphy, the Board voted 3-1 (Commissioner Felzer dissented) to reschedule the hearing to **January 3, 1996.**

SPEAKERS: Randy Block attorney for appellants; Judith Boyajian, Deputy City Attorney; and James Reuben, attorney for permit holder.

(11) **PUBLIC COMMENT:** Presentation is limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Alba adjourned the meeting at 10:04 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Director

Transcripts of these hearings can be obtained directly from Doris Levine, the Officia Court Reporter, (415) 456-9899.